

**U.S. DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION, AND
U.S. DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE**

RECORD OF DECISION

Air Tour Management Plan for Olympic National Park

INTRODUCTION

This Record of Decision (ROD) provides the Federal Aviation Administration's (FAA's) and the National Park Service's (NPS's) (together, the agencies) final determination to implement the Air Tour Management Plan (ATMP) for Olympic National Park (Park), in accordance with the National Parks Air Tour Management Act (NPATMA), as amended, its implementing regulations (36 CFR Part 136), and all other applicable laws and policies. This ROD includes a summary of the applicable background, the objective of the action taken, a description of the action taken, a summary of consultation/compliance processes for the ATMP, an identification of substantive changes from the draft ATMP to the final ATMP, and an explanation of the basis and justification for measures taken in the ATMP.

BACKGROUND

The ATMP, Appendix A to this ROD, provides relevant background information regarding the Park and its resources, as well as relevant Park management objectives.

The National Parks Air Tour Management Act

NPATMA requires that all commercial air tour operators conducting or intending to conduct a commercial air tour operation over a unit of the National Park System apply to the FAA for authority to undertake such activity. 49 U.S.C. § 40128(a)(2)(A). NPATMA, as amended, further requires the FAA, in cooperation with the NPS, to establish an ATMP or voluntary agreement for each park that did not have such a plan or agreement in place at the time the applications were made, unless a park has been otherwise exempted from this requirement. *Id.* § 40128(b)(1)(A). The objective of an ATMP is 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.” *Id.* § 40128(b)(1)(B). An ATMP “may prohibit” commercial air tour operations over a national park in whole or in part, or “may establish” conditions for the conduct of commercial air tour operations over a national park. *Id.* § 40128(b)(3)(A)-(B). The need for implementation of any measures taken in an ATMP must be justified and documented in the ATMP and within a record of decision. *Id.* § 40128(b)(3)(F).

As a threshold matter, the agencies needed to define what constitutes a commercial air tour so that they could implement NPATMA's requirements. As relevant here, FAA regulations define a commercial air tour as:

[A]ny 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 any national park, or over tribal lands during which the aircraft flies:

- (i) Below 5,000 feet above ground level (except for the purpose of takeoff or landing, or as necessary for the safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); [or]
- (ii) Less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary)...

14 CFR § 136.33(d).

Because Congress understood that developing ATMPs that meet NPATMA’s requirements could take some time, NPATMA provided that prior to the establishment of an ATMP, the FAA “shall grant interim operating authority” to existing air tour operators that apply for prospective operating authority. 49 U.S.C. § 40128(c)(1); H.R. Rep. No. 106-167, at 96. The interim operating authority (IOA) issued was required to be the greater of the number of commercial air tour flights over the park during the 12-month period prior to the enactment of NPATMA or the average number of commercial air tour flights within the 36-month period prior to the enactment of NPATMA. 49 U.S.C. § 40128(c)(2).

NPATMA was substantively amended in 2012. In addition to authorizing the agencies to enter into voluntary agreements with air tour operators in lieu of developing ATMPs, 49 U.S.C. § 40128(b)(7)(A), the 2012 amendments added reporting requirements for operators conducting commercial air tour operations over national parks. *Id.* § 40128(d). In addition, the amendments exempted parks with 50 or fewer commercial air tours from the requirement to prepare an ATMP or voluntary agreement, unless this exemption was withdrawn by the NPS. *Id.* § 40128(a)(5).

The Court Approved Plan

On February 2019, a petition for a writ of mandamus was filed in the U.S. Court of Appeals for the District of Columbia in which the petitioners requested an order directing the agencies to establish an ATMP or voluntary agreements under NPATMA for seven specified National Park System units within two years of such order. *In Re: Public Employees for Environmental Responsibility*, 957 F.3d 267, 271 (D.C. Cir. 2020). On May 1, 2020, the Court granted the petition, holding that the agencies had a mandatory duty to establish ATMPs or voluntary agreements for eligible parks under NPATMA and that mandamus relief was warranted based on delay in performance of this duty and consideration of the relevant factors. *Id.* at 273; Per Curiam Order, May 1, 2020 (Mandamus Order). The Mandamus Order directed the agencies to submit, by August 31, 2020, a proposed plan for bringing all 23 eligible parks within the National Park System into compliance with NPATMA, by completing an ATMP or voluntary agreement for those parks, within two years—or to offer “specific, concrete reasons” why it will take longer than two years. *Id.* The Court retained jurisdiction to approve the agencies’ plan and monitor their progress and directed the agencies to submit quarterly progress updates.

Consistent with the Court’s order, the agencies submitted a proposed plan and schedule (Plan). In general, the Plan contemplated initiating and moving forward with a process to implement ATMPs for all eligible parks concurrently as part of a coordinated, omnibus effort. Because Olympic National Park was one of the 23 parks identified as requiring an ATMP or voluntary agreement under NPATMA, it was included in the Plan which was subsequently approved by the D.C. Circuit.

The Planning Process and Public Engagement

As no ATMP had previously been implemented for any park at the time the agencies submitted their Plan to the Court, as an initial step in this process, the agencies worked collaboratively to determine the contents of and process for completing an ATMP that would be consistent with NPATMA. Together, they developed a template which could then be modified and tailored to meet the specific needs and address the unique circumstances of each park included in the planning process. Further, because air tours have been occurring over parks for decades, the agencies had institutional experience and data to draw upon in developing the ATMP template and in determining how to regulate commercial air tours over the Park.

The agencies also worked to identify the existing condition of commercial air tours over the Park and tribal lands that are within the Park boundary or outside the Park but within ½ mile of its boundary, i.e., the average number of commercial air tours conducted per year and the general operating parameters of those tours. Currently a single operator, Rite Bros Aviation, Inc., holds IOA authorizing 76 commercial air tours over the Park each year, including IOA allowing those 76 commercial air tours to overfly tribal lands belonging to the Makah Tribe, the Quileute Tribe, the Hoh Tribe, and the Quinault Indian Nation that abut the Park. IOA includes an annual cap on only the number of commercial air tours that may be conducted by an operator, but does not designate the route(s), time-of-day, or altitude(s) of such tours.

The agencies decided to use a three-year average of operator-reported air tours to identify the existing condition, rather than reports from a single year. In order to identify the three-year average, the agencies decided to use reported air tours from 2017, 2018, and 2019. These years were selected because they reflected relatively current air tour conditions, represented reliable operator reporting of air tours, accounted for variations across multiple years, and excluded 2020 which was atypical due to the COVID-19 pandemic. The agencies also decided against using 2021 data due to continued abnormalities associated with the COVID-19 pandemic and the unavailability of reporting data for 2021 during most of the planning effort. Table 1 below depicts available reporting information regarding the number of commercial air tours conducted on an annual basis.

Table 1. Commercial air tour reporting data from 2013-2020

	2013	2014	2015	2016	2017	2018	2019	2020 ¹
Rite Bros Aviation, Inc.	29	28	19	35	68	64	60	55

¹ Based on unpublished reporting data.

In order to identify the general operating parameters of the air tours conducted, the FAA reached out to Rite Bros Aviation, Inc., to identify current air tour routes and other operating conditions. Rite Bros Aviation, Inc. conducts commercial air tours on one route over the Park. The route is flown using Cessna CE-172-N, CE-172-K, CE-206-TU206F, and CE-206-U206A fixed-wing aircraft, with altitudes ranging between 2,000 feet (ft.) and 3,000 ft. above ground level (AGL). Altitude expressed in AGL units is a measurement of the distance between the ground surface and the aircraft. Commercial air tours are conducted between the hours of 6:45 AM and 7:00 PM.

Based on the three-year average of reporting data from 2017 to 2019, Rite Bros Aviation, Inc. conducts an average of 64 commercial air tours over the Park each year on a single route. This route does not overfly any tribal lands. This reporting data also indicates that, on average, commercial air tours occur on 49-52 days of the year. For the majority of those days, Rite Bros Aviation, Inc. has reported flying just one flight, though multiple flights on a single day have occasionally been reported.

The air tour route provided by the operator in 2020 was then modeled to predict noise effects using the FAA's Aviation Environmental Design Tool, a software system that models aircraft performance in space and time to estimate fuel consumption, emissions, noise, and air quality. This information was then considered, in addition to acoustic monitoring information, and analyzed by subject matter experts from the NPS's Natural Sounds and Night Skies Division, the NPS's Environmental Quality Division, the NPS Regional Office - Interior Regions 8, 9, 10, and 12, and the Park. The interdisciplinary team, which included biologists, the Park's chief of interpretation, the Park's wilderness coordinator, the Park's chief of cultural resources, park planning and National Environmental Policy Act (NEPA) specialists, and natural resource specialists, conducted a series of biweekly meetings to identify a proposed action for the ATMP. In these meetings the subject matter experts considered the operator's route and operations, the Park's noise sensitive resources, and the Park's existing and natural acoustic environment, visitor experience, and potential mitigation or protective measures that could be included in an ATMP.

The proposed action identified by the NPS and justifications for restrictions on air tours were further reviewed by the FAA, including the FAA's local Flight Standards District Office, for any aviation safety concerns. During this time, the agencies conducted preliminary environmental analysis to identify the appropriate NEPA pathway for a draft ATMP implementing the proposed action; initiated consultation pursuant to Section 106 of the National Historic Preservation Act, including tribal consultation; and began preliminary analysis for potential effects on listed species and critical habitat consistent with Section 7 of the Endangered Species Act.

NPATMA requires that the agencies publish notification of the availability of a draft ATMP in the Federal Register for public comment and hold at least one public meeting for each draft ATMP. The FAA published a notice of availability of the draft ATMP for Olympic National Park in the Federal Register on July 29, 2021. Public Meeting/Notice of Availability for Proposed Air Tour Management Plans at Mount Rainier National Park; Death Valley National Park; Everglades National Park; and Olympic National Park, 86 Fed. Reg. 40,897 (July 29, 2021). The agencies held the public meeting for the ATMP for Olympic National Park on August

25, 2021, and accepted public comments on this ATMP between July 29 and August 28, 2021. The agencies received 4,141 comments on the draft ATMP, 3,178 of which were form letters. The agencies' review and analysis of the public comments, including comments regarding draft ATMPs for other parks that were generally applicable to the Olympic National Park ATMP, were used to inform this ROD, the final ATMP, and the attached environmental compliance documentation.

OBJECTIVE

The objective of the ATMP is to implement “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 ATMP is necessary for the following reasons:

- An ATMP or voluntary agreement for Olympic National Park is required by NPATMA. The agencies have chosen to satisfy this requirement by implementing an ATMP.
- Currently, commercial air tours are operating under interim operating authority which does not include mitigation measures that the NPS believes are necessary to protect Park resources and values, consistent with the NPS's obligations under the National Park Service Organic Act and the 2006 NPS Management Policies, and to achieve Park management objectives.

DESCRIPTION OF ACTION

The agencies will implement the ATMP for Olympic National Park, and the FAA will update the operations specifications (OpSpecs)² for the air tour operator to incorporate the terms and conditions of the ATMP accordingly. The ATMP authorizes the existing commercial air tour operations with measures designed to mitigate impacts to Park resources, visitor experience, and tribal lands as a result of commercial air tour operations. It also includes additional measures required by NPATMA. In general, the ATMP:

- Authorizes up to 64 commercial air tours per year on a single route that does not pass over tribal lands.
- Sets minimum altitudes of 2,000 ft. to 3,000 ft. AGL, depending on location, with limited exceptions for takeoff, landing, and emergency situations.
- Authorizes specific types of aircraft to be used on the tours and specifies that any new or replacement aircraft must not be noisier than the authorized aircraft.
- Provides that commercial air tours may not operate until two hours after sunrise and must end by two hours before sunset, unless they have been approved by the

² OpSpecs are issued by the FAA to each operator and prescribe the authorizations, limitations, and procedures under which air tour operations must be conducted and require certain other procedures under which each class and size of aircraft is to be operated.

agencies for the quiet technology incentive, in which case they may operate tours beginning one hour after sunrise or ending one hour before sunset.

- Provides for the establishment of no-fly periods by the NPS for Park management or special events, including tribal events, with advance notice to the operator.
- Provides for operator training and education, as well as annual meetings between the FAA Flight Standards District Office, Park staff, and the operator.
- Requires operators to install and use flight monitoring technology on all authorized commercial air tours, and to include flight monitoring data in their semi-annual reports to the agencies, along with the number of commercial air tours conducted.
- Includes safety requirements relating to in-flight communications.
- Allows for minor modifications to the ATMP through adaptive management, so long as the impacts of such changes have already been analyzed in previous environmental compliance.
- Outlines a process for amending the ATMP.
- Provides information regarding the process for operators to apply for operating authority as a new entrant.
- Sets forth a general process for conducting competitive bidding for air tour allocations, where appropriate.
- Explains that compliance with terms of the ATMP will be mandatory, and IOA for the Park, as well as IOA for tribal lands abutting the Park, will be terminated, as of the effective date of the ATMP (the date the revised or updated operations specifications are issued to the operator) which will be on or before 90 days from the date the ATMP is signed.

CONSULTATION AND COMPLIANCE

- **National Environmental Policy Act:** The NPS applied a documented categorical exclusion to the ATMP. The categorical exclusion that the NPS applied is set forth in the Department of the Interior, Departmental Manual at 516 DM 12.5 A(1), and is reproduced in the NPS NEPA Handbook at categorical exclusion 3.3.A.1. It applies to “[c]hanges or amendments to an approved action when such changes would cause no or only minimal environmental impacts.” Here, the “approved action” is the interim operating authority issued by the FAA consistent with NPATMA, which was a non-discretionary authorization directed by Congress. The agencies used the NPS environmental screening form to document that there are no or minimal impacts from the ATMP. The NPS evaluated the extraordinary circumstances in 43 CFR § 46.215 and determined that no extraordinary circumstances apply and the ATMP will not result in significant impacts. The FAA performed its own extraordinary circumstances analysis and analysis under Section 4(f) of the Department of Transportation Act, codified at 49 U.S.C. § 303(c), and adopted the NPS’s categorical exclusion determination pursuant to 40 CFR § 1506.3(d). *See* Appendices B, C, and D.
- **Endangered Species Act:** Potential impacts from air tours to the marbled murrelet (*Brachyramphus marmoratus*) and northern spotted owl (*Strix occidentalis caurina*) are covered under the 2012 programmatic Biological Opinion for Olympic National Park, United States Fish and Wildlife Service: 13410-2007-F-0644, which was extended to

December 31, 2022. The agencies reviewed existing information on threatened and endangered species within the Park and evaluated the impacts of the ATMP on those species. The NPS verbally consulted with the U.S. Fish and Wildlife Service on the impacts to threatened and endangered species from the ATMP. Avoidance measures in the ATMP meet or exceed the measures in the Biological Opinion. The mitigations in the ATMP, including the minimum altitude of 2,000 ft. – 3,000 ft. AGL and the time-of-day limitations, applied to the 64 annual flights authorized under the ATMP, will result in the authorized commercial air tours having no effect on these species or on other listed species that may be present in the Park. Thus, in accordance with Section 7 of the Endangered Species Act, the agencies determined that the ATMP would have no effect on threatened and endangered species or their critical habitats. *See* No Effect Determination Memorandum, Appendix E.

- **National Historic Preservation Act:** The agencies complied with Section 106 of the National Historic Preservation Act and completed the Section 106 consultation process with respect to this undertaking—implementing an ATMP for Olympic National Park. Via letter dated March 26, 2021, the FAA, acting as lead agency for the Section 106 process, initiated consultation under Section 106 with 13 federally recognized tribes (Confederated Tribes of the Chehalis Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Hoh Tribe, Jamestown S’Klallam Tribe, Lower Elwha Klallam Tribe, Makah Tribe, Port Gamble S’Klallam Tribe, Quileute Tribe, Quinault Indian Nation, Shoalwater Bay Indian Tribe, Skokomish Indian Tribe, Squaxin Island Tribe, and Suquamish Indian Tribe of the Port Madison Reservation). In the same letter, the agencies also invited these tribes to engage in government-to-government consultation under Executive Order 13175.³ The FAA then initiated consultation via letter to the Washington State Historic Preservation Officer (SHPO) on March 29, 2021, and with other identified Section 106 consulting parties on July 30, 2021.

Via the same and/or subsequent letters the FAA identified the area potentially affected by the undertaking, requested information regarding historic properties within the area of potential effects and proposed a finding of no adverse effect to historic properties as a result of the undertaking. The undertaking was defined consistent with the proposed action in the Categorical Exclusion Form, Appendix C, and is discussed above. Unless a tribe affirmatively opted out of consultation (as have the Confederated Tribes of the Chehalis Reservation and Squaxin Island Tribe of the Squaxin Island Reservation) the identified tribes were copied on all correspondence with the SHPO regarding Section 106 consultation.

During the consultation process, the agencies conducted additional outreach to consulting parties for this undertaking and for other ATMPs included in the current planning process via webinar. The agencies conducted webinars on April 28, May 4, and May 6, 2021, for SHPOs, tribes, and other identified consulting parties to introduce key agency participants and the air tour management planning process, and to discuss next steps in the Section 106 process. The FAA also held a webinar for commercial air tour operators

³ None of the tribes indicated an interest to consult on a government-to-government level so tribal consultation for the undertaking occurred under the Section 106 framework.

currently conducting air tours over any of the parks included in the planning process on November 19, 2021, to introduce them to the Section 106 consultation process. In addition, the FAA conducted further outreach efforts to the tribes identified as consulting parties for this ATMP, which is detailed in Appendix F.

Public involvement for this undertaking was integrated with the public involvement required under NPATMA, discussed above. During the public comment period for the draft ATMP, the agencies did not receive any comments related to historic properties or the undertaking's potential effect on them.

Via letter dated April 8, 2022, the FAA proposed a finding of no adverse effect to the SHPO and the SHPO concurred with this finding on May 10, 2022. *See* Appendix F. The Tribal Historic Preservation Offices of the Port Gamble S'Klallam Tribe and the Jamestown S'Klallam Tribe concurred with the FAA's proposed finding. No consulting parties objected.

- **Aviation Safety:** The draft ATMP, in particular, the routes and altitudes included in the draft ATMP, was reviewed by the FAA's Flight Standards District Office (FSDO)⁴ with jurisdiction, to identify and address any safety concerns associated with the draft ATMP. The FAA's FSDO also reviewed all public comments received on the draft ATMP that raised safety concerns. Because there were no substantive changes from the draft to final ATMP that would affect safety considerations additional FSDO review of the ATMP was not necessary.

CHANGES FROM THE DRAFT ATMP

In addition to minor, editorial changes made for clarity, the final ATMP includes the following substantive changes from the draft ATMP made in response to public comments on this or other draft ATMPs,⁵ or based on further agency review, as follows:

- **Section 2.1 Park Overview**

This section was edited to address tribal lands abutting or within the Park and to include information relating to the Park's purpose and management objectives related to the development of the ATMP that had been inadvertently omitted from the draft ATMP. Additional information regarding marbled murrelet habitat was also included.

- **Section 3.7D Non-transferability of Allocations**

In response to comments questioning the transferability of air tour operations allocated under the ATMP, the agencies included language to make clear that allocations of annual air tour operations are not transferable between operators. But a successor purchaser may assume an operator's allocation of annual air tour operations by acquiring an entity holding allocations

⁴ A FSDO is a local FAA field office that deals with various aviation issues including airmen and aircraft certifications, accident investigations, and enforcement and investigation issues.

⁵ In September and October of 2021, the agencies released an additional eight draft ATMPs covering eleven other parks for public review and comment.

under this ATMP in its entirety. In order to avoid a break in service and to afford the agencies the necessary time to consult regarding modifications to operations specifications, the ATMP requires that the prospective purchaser notify the agencies as early as possible of its intention to purchase the entity holding allocations and to certify that it will comply with the terms of the ATMP.

- **Section 3.8 Quiet Technology Incentives**

The agencies revised the language in Section 3.8 regarding the quiet technology incentive required by NPTMA in response to comments on this and other draft ATMPs requesting a definition of the term “quiet technology” or suggesting a definition for such term. The agencies have not included a definition of quiet technology in the ATMP. Instead, the ATMP provides for a consultation with operators regarding which of their aircraft qualify for the incentive at the time this ATMP is implemented. Subsequently, should operators wish to purchase new aircraft or make appropriate modifications to existing aircraft, they are encouraged to consult with the agencies prior to making such investment to determine whether the aircraft would qualify for the incentive. In response to comments regarding whether the incentive should or should not be applied retroactively to aircraft that may already qualify for the incentives, the agencies revised the language in the ATMP to make clear that the incentive may apply to operators that have already converted to quiet technology aircraft, if the agencies determine that they qualify for the incentive. To do otherwise would unfairly penalize operators that were early adopters of quiet technology. The language in this section was also modified to make clear that not only will the effectiveness of the quiet technology incentive be monitored, but the effects of this incentive on Park resources and visitor experiences will be monitored by the NPS. If unanticipated effects are observed, the agencies may need to amend the ATMP to modify this or other sections. The quiet technology incentive itself—allowing aircraft that have converted to quiet technology to operate commercial air tours beginning one hour after sunrise or ending one hour before sunset—did not change from the draft ATMP to the final ATMP.

- **Section 5.0 Justification for Measures Taken**

This section was Section 4.0 in the draft ATMP. It was moved as a result of comments expressing the opinion that the monitoring and compliance measures included in one or more of the draft ATMPs were not justified or explained. In order to include a justification for these requirements in the same section as the explanations for the other requirements included in the ATMP, the agencies thought it made more logical sense to move Section 5.0, *Compliance*, as well as Section 5.1, *Aircraft Monitoring Technology*, forward in the ATMP, and they are Sections 4.0 and 4.1, respectively, in the final ATMP. Additional changes to this section better align the justification for the annual operator training with purpose of the training and the justification for the annual meeting with the purpose of this meeting. Though these requirements may be combined, they are separate requirements with slightly different justifications.

- **Section 4.0 Compliance, Section 10.0 Conformance with Operations Specifications, and Section 11.0 Effective Date**

These sections were revised to make clear that the effective date of the ATMP is the date on which the operators’ updated OpSpecs implementing the ATMP are issued by the FSDO with jurisdiction. Because OpSpecs are used to inform the operators of the conditions under which they must operate and will be relied on by the FAA to enforce the terms and conditions of the

ATMP, if necessary, it made sense for the effective date of the ATMP to be tied to the date that OpSpecs are modified and reissued to the operator and not to some other date. Section 4.0 of the ATMP (Section 5.0 in the draft ATMP) was revised to delete language that incorrectly assumed that there would be a difference between the effective date of the ATMP and modification of OpSpecs. Section 10.0 of the ATMP was revised to make clear that the FAA will issue new OpSpecs that incorporate the ATMP's operating parameters within 90 days of the date the ATMP is signed. Section 11.0 of the ATMP was revised to make clear that the effective date is the date new OpSpecs are issued, not some other date. In response to public comments, Section 4.0 Compliance was also revised to make clear that the public may report allegations of noncompliance and that the appropriate FSDO will investigate written reports of noncompliance consistent with FAA policy.

- **Section 6.0 New Entrants**

In response to comments received on Section 6.0 regarding new entrants, the agencies revised the language in this section, which was included in the draft ATMPs that were released for public comment after the draft ATMP for the Park and has been included in the final ATMP for the Park. The language was revised to make clear that although new entrants may be considered, all new entrant applications must be reviewed and approved by both agencies before a prospective new entrant may be allowed to conduct operations over the Park or within ½ mile of its boundary. Though one commenter advocated that Section 6.0 be eliminated altogether, the agencies declined to do so because the ATMP's existing processes for approval of new entrants are sufficient to protect Park resources and visitor experience.

- **Additional changes**

In addition to the above changes, the draft ATMP was edited to clarify that the restrictions imposed by the ATMP apply not only when the operator is flying over lands or waters within the Park boundary but also when the operator is flying over lands or waters outside of the Park boundary that are within ½ mile of the boundary. Further edits were made to explain IOA issued for tribal lands within or abutting the Park, to explain that the route designated in the ATMP does not go over these tribal lands, and that the restrictions in the ATMP are protective of tribal use of the Park.

Appendix A to the ATMP was revised to expressly state that IOA (whether for the Park or tribal lands) terminates on the effective date of the ATMP. Given that the operator will be required to fly consistent with the reissued OpSpecs that implement the ATMP, it would make little sense for IOA to remain after the ATMP is implemented. Though NPATMA provides that IOA "shall terminate 180 days" after the establishment of an ATMP, the agencies do not interpret this provision as precluding an earlier termination consistent with the terms and conditions of an ATMP. *See* 49 U.S.C. § 40128(c)(2)(E).

BASIS AND JUSTIFICATION FOR DECISION

- **Annual limit of commercial air tours**

The ATMP implements the existing condition, based on operator reported data, with respect to the number of authorized air tours. The agencies decided to implement the existing

condition because the NPS found that impacts associated with the existing condition, together with reasonable mitigation measures, would not result in significant adverse impacts of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands. The agencies decided to use a three-year average of operator-reported air tours to identify the existing condition, rather than reports from a single year, because using an average would account for variations across multiple years. In order to identify the three-year average, the agencies used reported air tours from 2017, 2018, and 2019. These years were selected because they reflect the most current and reliable air tour conditions, account for variations across multiple years, and exclude 2020 which was atypical due to the COVID19 pandemic.

Some commenters advocated for the elimination of air tours or consideration of a no air tours alternative. While NPATMA does state that an ATMP may ban air tours, it also contemplates that air tours may be an appropriate use over parks subject to restrictions that reduce significant impacts on park resources and visitor experience. The agencies believe that the operating parameters and other conditions in the ATMP provide appropriate restrictions and that there are no significant impacts to Park resources and visitor experience.

The agencies did not use IOA as the number of air tour operations authorized under the ATMP because IOA was based on numbers reported by operators more than 20 years ago, does not represent the most current or reliable operational data, and is not verifiable by the agencies. Although some commentors suggested that the ATMP should include a permanent cap on the number of air tours, NPATMA specifically provides an opportunity for the amendment of ATMPs which would allow the agencies to evaluate the impacts of additional air tours in the context of concrete proposal. And the amendment process requires additional public involvement and further environmental compliance. Similarly, air tour authorizations could be reduced either as a result of noncompliance or through an ATMP amendment.

Although some commenters advocated for daily or monthly flight limits, or designated weekly no-fly days, the agencies did not find such limits necessary due to the low number of air tours (64) authorized by the ATMP and on the operator's reported operations. On most days, no commercial air tours will occur. On those days where air tours occur, only a single flight is likely to occur, with rare exceptions.

- **Designated routes and minimum altitude**

The ATMP includes a single designated route which is the route reported by the operator as currently being flown over the Park. The route may be flown in either direction (clockwise or counterclockwise) also consistent with the operator's current practice. The ATMP also sets minimum altitudes for air tours which, depending on location, is from 2,000 ft. to 3,000 ft. AGL and is depicted on the map included in the ATMP. The agencies considered but ultimately did not make any changes to the operator reported route because the NPS interdisciplinary team found that given the designated minimum altitudes required by the ATMP, and limited number of flights (64), the operator's current routes were sufficiently protective of Park resources and visitor experience. The authorized route does not go over and commercial air tour aircraft cannot be heard from the Park's Pacific Coast, the Olympic Coast National Marine Sanctuary, or the Flattery Rocks, Quillayute Needles, and Copalis National Wildlife Refuges. Similarly, it does not go over and commercial air tour aircraft cannot be heard from tribal lands belonging to the

Makah Tribe, the Quileute Tribe, the Hoh Tribe, and the Quinault Indian Nation within the Park or within ½ mile of the Park boundary. Though one commenter suggested that the route be offset from Mount Olympus, the NPS interdisciplinary team determined that since the route is approximately 5 miles laterally from the mountain's peak, no additional horizontal setback was necessary.

Though some commenters advocated for higher minimum altitudes than those included in the draft ATMP, including minimum altitudes higher than 5,000 ft. AGL,⁶ or questioned the variation in the minimum altitude AGL depending on location, the agencies determined that no changes were warranted. Specifically, the NPS found that minimum altitudes in the ATMP were sufficient to protect Park resources given that the ATMP authorizes overflights by only certain fixed-wing aircraft, on a single designed route, and that any new or replacement aircraft must not exceed the noise level of the aircraft currently authorized.

Commenters questioned the qualifications that aircraft are required to maintain the minimum altitudes set by the ATMP except in emergencies or as necessary for safe operations of the aircraft, in Sections 2.0 and 3.2 of the draft ATMP, positing that these exceptions could be exploited by the operator to circumvent the restrictions in the ATMP. Safety is a priority for both agencies and they believe the inclusion of language in the ATMP allowing for deviations in emergencies or to avoid unsafe conditions is necessary to ensure safe operation of aircraft. There is no basis to assume that the operator intends to improperly circumvent the ATMP's restrictions and, given that the minimum altitudes included in the ATMP are consistent with the operator's current operations, it also seems unlikely.⁷ Further, the ATMP's requirement that the operator install and use flight following technology which, together with the ATMP's reporting requirements, will allow the agencies to ensure the operator's compliance with the ATMP's terms, including the altitude restrictions.

- **Hours of operation**

The ATMP authorizes air tours to operate beginning two hours after sunrise or ending two hours before sunset unless they are flown using aircraft that qualify for the quiet technology incentive, a mitigation measure that offers resource protection during these times of day which are important to wildlife and visitor experience. Though commenters also requested changes that would reduce the hours during which commercial air tours are permitted to operate, the agencies declined to change these operating parameters because the NPS interdisciplinary team found the restrictions in the ATMP to be sufficiently protective of Park resources and visitor experience.

⁶ Because the term commercial air tour over a national park is defined by regulation as a flight below 5,000 ft. AGL, 14 CFR § 136.33(d)(i), raising the altitude AGL to more than 5,000 ft. AGL would be tantamount to a ban on commercial air tours over the Park or outside the Park but within ½ mile of its boundary.

⁷ Although some commenters noted what they believed to be noncompliant commercial air tours, the agencies determined that the flights described were not in fact commercial air tours regulated under NPATMA. NPATMA does not apply to general aviation, military overflights, or air tours more than ½ mile outside the Park's boundary.

- **Annual meetings/training**

The ATMP requires the operator to attend an annual training when provided by the NPS or to attend an annual meeting when such meeting is requested by the NPS or FAA. Commenters requested changes to these provisions including making the meetings public and requiring that the operators distribute certain materials to passengers. The agencies declined to change these provisions of the ATMP. It is important to allow Park staff the flexibility to tailor educational meetings to meet Park needs and incorporate new information as Park management needs change. It is not necessary, at this point, to prescribe the format for information to be provided to the operators and would be burdensome on operators and Park staff to require operators to provide specific printed material to air tour patrons. The agencies also declined to make operator meetings public as it would not serve the communication and coordination purposes of these meetings. The NPS needs to be able to meet with the operators as it does with other commercial service providers that operate within Park boundaries. However, other avenues remain available for stakeholders to provide the agencies with their input regarding commercial air tour operations. For example, the National Parks Overflights Advisory Group meets every year to discuss various aspects of air tour management throughout the National Park System and those meetings are open to the public.

- **Monitoring and compliance**

In order to successfully implement the ATMP, the agencies determined that it should include provisions to allow the agencies to adequately monitor and ensure compliance with its conditions. To this end, Section 4.1 of the ATMP requires that operators equip aircraft used for air tours with flight monitoring technology, to use such technology when conducting air tours, and to include flight monitoring data in their semi-annual reports. The agencies consulted with the National Parks Overflights Advisory Group regarding the cost of various flight following technologies and found that there are relatively inexpensive off the shelf options that could meet the requirements of the ATMP. Though the agencies received comments suggesting alternative monitoring methodologies, including requiring equipping and using automatic dependent surveillance-broadcast (ADS-B) systems (which is a system that periodically transmits location data information in real-time) or providing for monitoring by the public, the agencies declined to include such options in the ATMP. Though ADS-B technology would meet the requirements of the ATMP, other technologies are available that also meet those requirements, and thus the agencies did not find it necessary to require operators to install and use ADS-B. As to public monitoring, the agencies do not have the resources to stand up and staff a complaint response line and, given the monitoring measures included in the ATMP, such a line would be unnecessary. Further, given that commercial air tours are not the only flights conducted over Park, information from a public tip line would likely be less reliable as the public would likely have difficulty distinguishing between, for example, a commercial air tour flight and a general aviation flight.

- **Adaptive management**

The provisions in Section 8.0 of the ATMP are included to allow minor modifications to the authorized operating parameters (for example, slight deviations in routes) to avoid adverse impacts to Park resources, values, or visitor experiences; address safety concerns; or, address new information or changed circumstances. Such modifications could only be made through

adaptive management if the impacts to Park resources are within the scope of impacts already analyzed under NEPA, the Endangered Species Act, and Section 106 of the National Historic Preservation Act. This process was designed to ensure that actions that are potentially more impactful to resources would only be made through the amendment process, which requires public participation, after further environmental compliance. At least one commenter expressed concern that adaptive management would be used to remove, or lessen, measures designed to mitigate impacts on Park resources and visitor experience or increase the number of commercial air tours allowed, but the agencies believe that the provisions of Section 8.0 are clear that adaptive management could not be used in this way. Authorization of additional air tours, beyond the 64 authorized in the ATMP, would require an amendment to the ATMP, which requires public notice and comment as well as environmental compliance.

- **Competitive bidding**

NPATMA requires that where an ATMP limits the number of authorized commercial air tours within a specific time frame, the agencies must develop an open and competitive process for evaluating competing proposals to conduct commercial air tours. 49 U.S.C. § 40128(a)(2)(B). Given that the ATMP allocates all commercial air tour authorizations to a single operator, and that no other operator has applied to conduct commercial air tours over the Park, the agencies, at present, do not plan to conduct a competitive bidding process for the Park. However, should circumstances change, the ATMP includes provisions related to undertaking such a process when appropriate.

- **Quiet Technology incentive**

The ATMP includes a quiet technology incentive that allows aircraft utilizing quiet technology to fly commercial air tours that begin one hour after sunrise or that end one hour before sunset on all days that flights are authorized. Non-quiet technology aircraft would be required to begin air tours two hours after sunrise and end two hours before sunset. Though many commenters on this and other draft ATMPs requested a definition for quiet technology, the agencies found that creating a definition for quiet technology in this ATMP was not practicable because aviation technology continues to evolve and advance and because the FAA periodically updates its noise certification standards. An aircraft that may qualify as quiet technology today may be out of date 10 years from now.

The agencies also declined to extend the definition of quiet technology established for commercial air tours over Grand Canyon National Park to the ATMPs developed under NPATMA. The standard for Grand Canyon National Park was developed pursuant to legislation specific to that park through a rulemaking process that was completed in 2005. That standard applies only to Grand Canyon National Park and was based on narrow site-specific noise requirements. In addition, quiet aircraft technology has advanced substantially since that time. The aircraft used to conduct air tours over Grand Canyon National Park are much larger and heavier than the aircraft used to conduct tours over Olympic National Park, and since noise certification standards are based on the size and weight of the aircraft, the noise standards used to support the Grand Canyon quiet technology definition would not be appropriate for aircraft conducting tours over Olympic National Park.

As noted above, the ATMP provides for a consultation with operators regarding which of their aircraft qualify for the incentive at the time this ATMP is implemented. Though some commenters requested that the incentive only apply to future aircraft purchases, the agencies included current aircraft in the incentive so as not to penalize early adopters of quiet technology. In the future, should operators wish to purchase new aircraft, the ATMP allows for consultation with the agencies before the operator makes the investment in a new aircraft to determine whether such aircraft would qualify for the incentive.

Some commenters questioned the effectiveness of the quiet technology incentive itself and its inclusion in the ATMP, while others suggested different or stricter quiet technology requirements. A quiet technology incentive is required to be included in the ATMP by NPATMA. 49 U.S.C. § 40128(b)(3)(D). The agencies believe this incentive should be strong enough to encourage the adoption of quiet technology by operators balanced with the fact that quiet technology equipped aircraft still produce noise. The agencies believe the quiet technology incentive in the ATMP strikes the appropriate balance.

- **Analysis of impacts**

Many commenters noted the lack of impact analysis in the draft ATMP. However, impact analysis is not required content in an ATMP. The impacts of the ATMP were evaluated using an Environmental Screening Form, Appendix B, to determine the applicability of a categorical exclusion and whether any extraordinary circumstances were present that would preclude the application of a categorical exclusion, consistent with NPS practice. Likewise, the FAA conducted an analysis of potential effects under Section 4(f) of the Department of Transportation Act and analyzed whether there were any extraordinary circumstances under FAA Order 1050.1F, Paragraph 5-2 and subsequently adopted the NPS's categorical exclusion determination under 40 CFR § 1506.3(d). The agencies acknowledge that no previous NEPA analysis of IOA occurred because the issuance of IOA for commercial air tours over the Park was a nondiscretionary action directed by Congress. Because of this, the agencies considered the impacts of air tours on the Park resources and visitor experience. There are numerous ways to measure the potential impacts of noise from commercial air tours on the acoustic environment of a park including intensity, duration, and spatial footprint of the noise. Several metrics were modeled and considered. The NPS considered maximum sound level (L_{max}) and the amount of time that aircraft from commercial air tour operations were above specific sound levels that relate to different Park management objectives (e.g., 35 and 52 decibels). The FAA used the average sound level over 12 hours ($L_{Aeq, 12hr}$) in order to compute their standard noise metric of Day-Night Average Sound Level (DNL). The agencies used their respective modeling results to compare the acoustic environment at the Park with existing air tour operations to the predicted changes due to the mitigation measures under the ATMP.

The impact analysis provided in the Environmental Screening Form for this ATMP demonstrates that the ATMP does not result in significant impacts when considering the change from existing conditions. The analysis also discloses the impacts associated with the use itself; the analysis evaluates the impacts of 64 commercial air tours over the Park on a single designated route. The impacts of the action, whether evaluating the change from existing condition or the impacts from 64 air tours per year, are minimal. Since air tours will be infrequent, with limited duration of noise, the integrity of all resources remains intact, including

the opportunity for visitor enjoyment of natural quiet and solitude. Park resources and values impacted from air tours, including the acoustic environment, will continue to exist in a condition that will allow the American people to have present and future opportunities to enjoy them. *See* 2006 NPS Management Policies § 1.4.4.

As to specific concerns regarding acoustic environment impacts noted by commenters, many of those referenced helicopter noise. However, the ATMP does not authorize commercial air tours using helicopters over the Park. The operator is authorized to conduct commercial air tours using the fixed-wing aircraft currently used for such tours. Section 3.3 of the ATMP specifically provides that “any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced.” A plan amendment, supported by further environmental analysis, would be required to authorize operation of an aircraft that exceeds the noise level of the currently authorized aircraft.

The number of air tours, the route structure, and other operating parameters provided for in the ATMP are substantially the same as that which the operator currently conducts and therefore, the agencies did not find that a study of economic impacts was warranted. Further, the agencies considered the economic effects of the ATMP in the Environmental Screening Form and found because the number of air tours authorized under the ATMP is the same as the average number of flights from the most recent three years (2017-2019) not affected by the COVID-19 pandemic, the agencies do not expect the ATMP to impact visitor spending on air tours or economic activity in the local communities. *See* Appendix B.

- **Wildlife**

As noted above, the agencies verbally consulted with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act and determined that the ATMP would have no effect on any listed species or their critical habitats. Many commenters focused on potential effects to threatened and endangered species, which are addressed in the No Effect Determination Memorandum, Appendix E. Many commenters also expressed general concerns about the potential effects of commercial air tours on wildlife in general (such as mammals, shorebirds, and forest birds) and some commenters specifically noted species of concern, among them the gray wolf, Roosevelt elk, various whale species, steelhead and salmon species, and avian species. One commenter requested monitoring of potentially affected species and an adaptive management plan to allow managers to detect impacts to wildlife species and modify flights accordingly.

The ATMP implements a minimum altitude for all commercial air tours of 2,000 ft. to 3,000 ft. AGL, depending on location over the Park or within ½ mile of the Park’s boundary. Though the minimum altitude is largely in place to protect bird species that can be found at higher altitudes or may be nesting, these altitude restrictions also reduce noise impacts as a result of commercial air tours on other species as well. Marmots, black bears, raccoons, beavers, mink, deer, elk, cougars, auklet birds, and golden eagles are not threatened or endangered, but live within the area impacted by commercial air tours and have shown no adverse reactions to commercial air tours for the past three decades. There are no noted incidences of direct flushing or mortality due to the limited number of air tour operations that currently occur over the Park and these effects would be even less likely to occur due to the restrictions included in the ATMP.

Air tours occurring over rivers/waterways within the Park would have no effect on salmonids or other fish species since air tours do not involve ground disturbing activities or other activities with the potential to impact aquatic habitat.

Further, the ATMP includes a single designated route which was analyzed by the NPS interdisciplinary team for effects to Park resources, including wildlife. The authorized air tour route does not go over the Park's coastal areas. The team did not modify the existing route since the altitude and limited number of commercial air tours provide sufficient mitigation of potential adverse impacts to wildlife.

The agencies believe that given the designated route, limited number of commercial air tours authorized per year (64), the limited duration of any potential noise exposure, the relatively low maximum sound levels associated with air tours over the Park, and the protections included in the ATMP, the agencies have concluded that there will not be any adverse effects to the Park's wildlife and that further monitoring in addition to that already provided in the ATMP was not necessary. The ATMP does provide for adaptive management measures to be taken which could be used to address effects to wildlife. The ATMP's adaptive management provision is addressed below.

- **Wilderness**

Many commenters noted concerns related to the protection of the Daniel J. Evans Wilderness in Olympic National Park, and other areas managed as wilderness by the NPS. Some commented that the Wilderness Act prohibits commercial air tours. However, the Wilderness Act does not prohibit overflights and no commercial air tours are permitted to land within wilderness. Though NPATMA does not require the ATMP to include analysis of impacts to wilderness, consistent with the requirements of NEPA, the agencies evaluated the impacts of the commercial air tours authorized by the ATMP on the qualities of wilderness character in the development of the ATMP, including impacts on the opportunity for solitude, impacts to the natural quality of wilderness, and impacts to other features of value which is documented in the Environmental Screening Form, Appendix B. The ATMP includes limitations that are protective of wilderness character, including the annual limit of 64 air tours, a single designated route, and prescribed minimum altitudes. NPATMA does not authorize the regulation of general aviation or other commercial flights not meeting the definition of a commercial air tours. In addition, Olympic National Park has a significant number of military overflights which are also not subject to regulation under NPATMA. The amount of noise added by a maximum of 64 commercial air tours per year is negligible. Though the analysis in the Environmental Screening Form demonstrates that noise and visual intrusions from air tours may temporarily disrupt the opportunity for solitude in wilderness because of the limited number of flights, the limited duration of noise, the route used, and the limited duration of potential exposure of air tours make it unlikely that most visitors will encounter noise from air tours within wilderness. If a wilderness visitor does hear noise from an air tour, it is unlikely, because of the single air tour route and limited number of tours, that the visitor will hear more than one per day and the noise exposure will be for a very short duration of time. Moreover, the single air tour route avoids impacts to the Park's coastal wilderness. Ample opportunities for solitude and refuge from sights and sounds of civilization remain available in the Daniel J. Evans Wilderness. Accordingly, the NPS found that the ATMP is protective of wilderness character and to be consistent with the

Park's enabling legislation, Section 4.9 of the NPS Management Policies, and the requirements of NPATMA.

One commenter expressed concern that the vibration from aircraft could cause an avalanche. While the Park is at risk for avalanches, this risk is not increased by air tour operations. There have been no air tour-triggered avalanches in the approximate 30-year history of commercial air tours over the Park.

- **Interim Operating Authority**

Rite Bros Aviation, Inc. applied for, and the FAA granted, IOA for Olympic National Park that allows it to conduct up to 76 commercial air tours per year. *See* Notice of Interim Operating Authority Granted to Commercial Air Tour Operators Over National Parks and Tribal Lands Within or Abutting National Parks, 70 Fed. Reg. 36,456 (June 23, 2005). The ATMP provides that the FAA, through the FSDO with geographic oversight, will update the operators' OpSpecs to incorporate the terms of the ATMP within 90 days of the date on which the ATMP is fully signed (meaning 90 days from the date on which the ATMP and this ROD have been signed by all required signatories). The operators' OpSpecs currently allow them to overfly the Park in accordance with their IOA. Once the OpSpecs are modified, only those operators that hold allocations of operations under the ATMP will be permitted to conduct commercial air tours over the Park, or within ½ mile of its boundary, and then all commercial air tours conducted will be required to comply with the ATMP in all respects. IOA for the Park will terminate when the OpSpecs are modified, which will be the effective date of the ATMP.

The OpSpecs issued to Rite Bros Aviation, Inc., also reflect IOA for 76 commercial air tours per year over tribal lands belonging to the Makah Tribe, the Quileute Tribe, the Hoh Tribe, and the Quinault Indian Nation. All of these tribal lands are either within the Park or adjacent to its boundary. Because NPATMA provides that IOA terminates after the establishment of an ATMP and provides that an ATMP extends ½ mile outside the boundary of a National Park System unit, IOA for these tribal lands was limited to the portions of those lands that are either within the Park's boundary or outside the Park but within ½ mile of its boundary. Under NPATMA, this IOA is coextensive with and issued in connection with the IOA issued for the Park. It did not apply to those portions of the Makah Reservation, the Quileute Reservation, the Hoh Reservation, and the Quinault Reservation, that are more than ½ mile outside the Park's boundary and the regulatory status of those lands remains unchanged by the ATMP. As noted above, the ATMP does not authorize any commercial air tour routes over tribal lands within the Park, or outside the Park but within ½ mile of its boundary. Like the IOA for the Park, IOA for the tribal lands that are within or abut the Park belonging to the Makah Tribe, the Quileute Tribe, the Hoh Tribe, and the Quinault Indian Nation will terminate on the effective date of the ATMP.

In addition, the OpSpecs issued to Rite Bros Aviation, Inc., reflect IOA for 76 commercial air tours per year over tribal lands that do not meet NPATMA's definition of tribal lands because they do not abut the Park. Specifically, the OpSpecs reflect IOA for the Lower Elwha Klallam Tribal Lands, Jamestown S'klallam Tribal Lands, and Skokomish Tribal Lands. This IOA will be addressed by the FAA outside of the ATMP process.

- **Providing access for individuals with disabilities**

Some commenters requested expanded air tours in order to accommodate or expand access to individuals with disabilities, older persons, or those with mobility issues. However, air tours are not the only way for a disabled person to experience a national park. The NPS works to ensure that people with disabilities can participate in the same programs and activities available to those without disabilities in the most integrated setting possible. The NPS has a full team dedicated to breaking physical and programmatic barriers to make parks more inclusive for people with sensory, physical, and cognitive disabilities including a full accessibility program with accessibility coordinators in all 12 NPS regions who work to make sure that NPS staff have the tools and training necessary to provide accessible and inclusive outdoor recreation and interpretation opportunities for park visitors and employees alike. Information regarding accessibility at Olympic National Park is available at:

<https://www.nps.gov/olym/planyourvisit/accessible-facilities.htm#:~:text=Campgrounds%20%20Campgrounds%20%20Accessible%20Resrooms,%20No%20amphitheater%20%209%20more%20rows%20>

- **NEPA compliance**

Commenters in general noted concerns that an environmental analysis was not released for public review and comment and either advocated for the consideration of various alternatives or criticized that consideration and analysis of alternatives was required under NEPA. Consistent with the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA, agencies may, but are not required to, develop a range of alternatives to the proposed action when using a categorical exclusion to comply with NEPA. *See* 40 CFR §§ 1501.4, 1502.14. Actions covered by categorical exclusions by definition do not have significant impacts and therefore are not subject to the requirement to develop alternatives to reduce significant impacts. In this case, the agencies evaluated the potential impacts of the proposed action (ATMP) and determined that the proposed ATMP would not result in significant impacts to Park resources and that no significant impacts from air tours have been observed in the past. The agencies considered actions to reduce impacts to Park resources and included those in the ATMP (e.g. altitude and route restrictions). Public review of categorical exclusions is not required. Though NPATMA provides that both agencies must “sign the environmental decision document required by section 102 of [NEPA] which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement and the record of decision” the agencies do not interpret NPATMA to preclude the application of a categorical exclusion for an ATMP. *See* 49 U.S.C. § 40128(b)(2).

- **Compliance with NPS-specific laws and policies**

In managing National Park System units, the NPS is bound by the Organic Act of 1916, 54 U.S.C. §§ 100101 *et seq.*, which requires the NPS to manage parks to “conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” In addition, NPS management of System units is guided by the 2006 NPS Management Policies and other policy and guidance documents that do not apply to the FAA. The Statement of Compliance appended to this ROD as Appendix G details the NPS’s compliance with its Organic Act, as well as NPS policy documents.

DECISION

The undersigned have carefully considered the agencies' common and respective goals in relation to the issuance of an Air Tour Management Plan for Olympic National Park including the environmental impacts of their decision, the mitigation measures available to preserve Park resources, visitor experience and tribal lands, and aviation safety. Based on the record of this proposed Federal action, and under the authority delegated to the undersigned by the Administrator of the FAA and the Director of the NPS, the undersigned find that the issuance of the Air Tour Management Plan for Olympic National Park is reasonably supported. The undersigned hereby direct that action be taken, together with the necessary related and collateral actions, to carry out the agency decisions as detailed in this ROD including the issuance of an Air Tour Management Plan for Olympic National Park and issuance or modification of applicable operations specifications.

Approved by:

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Frank W. Lands
Regional Director
Interior Regions 8, 9, 10 and 12
National Park Service

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Grady Stone
Regional Administrator
Northwest Mountain Region
Federal Aviation Administration

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Raymond M. Sauvajot
Associate Director
Natural Resource Stewardship and
Science Directorate
National Park Service

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Kevin Welsh
Executive Director
Office of Environment & Energy
Federal Aviation Administration

RIGHT OF APPEAL

This Record of Decision constitutes a final order of the FAA Administrator and is subject to exclusive judicial review under 49 U.S.C. § 46110 by the U.S. Circuit Court of Appeals for the District of Columbia or the U.S. Circuit Court of Appeals for the circuit in which the person contesting the decision resides or has its principal place of business. Any party having substantial interest in this order may apply for review of the decision by filing a petition for review in the appropriate U.S. Court of Appeals no later than 60 days after the order is issued in accordance with the provisions of 49 U.S.C. § 46110.

Appendices

- A. Final Air Tour Management Plan for Olympic National Park
- B. Environmental Screening Form
- C. Categorical Exclusion Documentation Form
- D. FAA Categorical Exclusion Adoption
- E. Olympic National Park Air Tour Management Plan Section 7 Endangered Species Act No Effect Determination (No Effect Determination Memorandum)
- F. National Historic Preservation Act: Section 106 Compliance Documentation
- G. NPS Statement of Compliance
- H. Summary of Public Comments and Comment Analysis on the Draft Air Tour Management Plan for Olympic National Park

APPENDIX A

Final Air Tour Management Plan for Olympic National Park

FINAL AIR TOUR MANAGEMENT PLAN OLYMPIC NATIONAL PARK

SUMMARY

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

1.0 INTRODUCTION

The Act requires that commercial air tour operators conducting or intending to conduct commercial air tours over a unit of the National Park System apply to the Federal Aviation Administration (FAA) for authority before engaging in that activity. The Act further requires that the FAA in cooperation with the National Park Service (NPS) establish an ATMP for each National Park System unit for which one or more applications has been submitted, unless that unit is exempt from this requirement.¹

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

2.0 APPLICABILITY

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

- 1) Below 5,000 feet above ground level (except solely for the purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the FAA requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or
- 2) Less than one mile laterally from any geographic feature within the Park (unless more than ½-mile outside the Park boundary).

See 14 CFR § 136.33(d).

¹ The Act provides an exemption to the ATMP requirement for parks with 50 or fewer commercial air tour operations each year unless the exemption is withdrawn by the Director of the NPS. *See* 49 U.S.C. §40128(a)(5). As an alternative to an ATMP, the agencies also have the option to execute voluntary agreements with all operators operating at any of the parks.

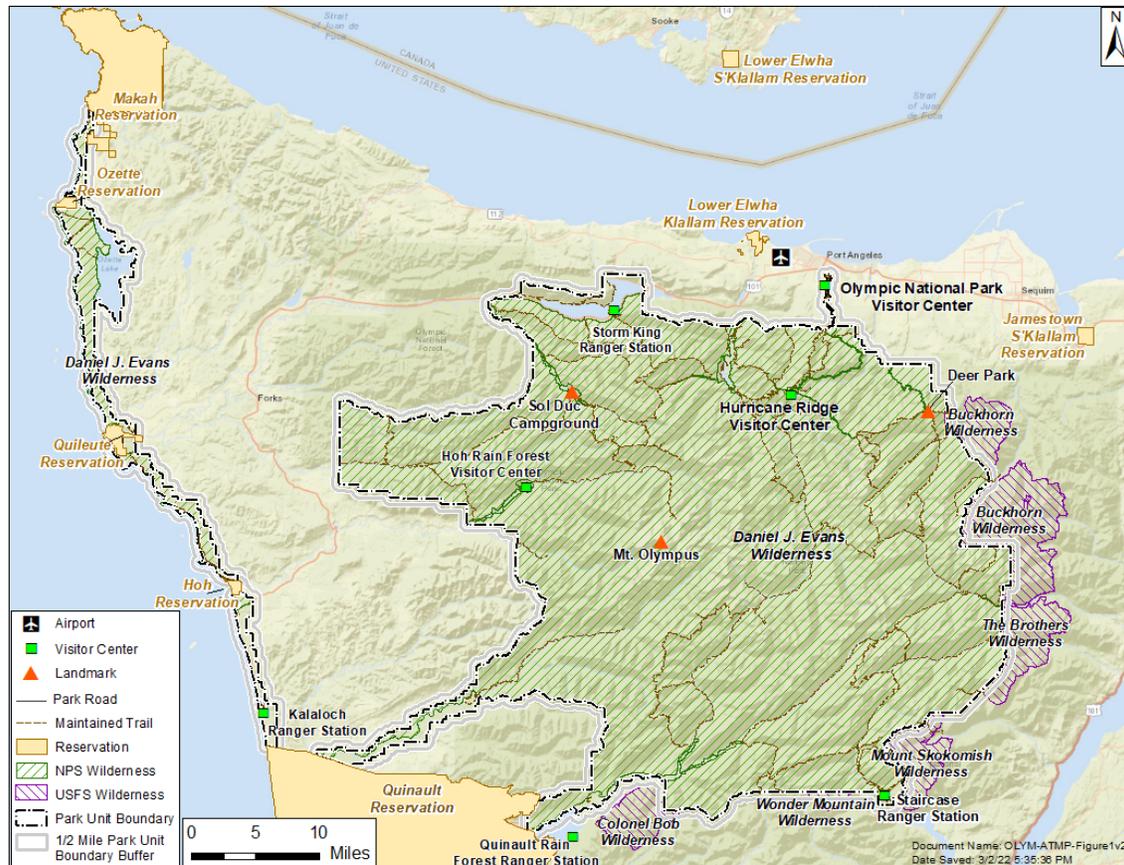


Figure 1. Map of area subject to the ATMP for Olympic National Park

2.1 Park Overview

Located on the Olympic Peninsula in northwest Washington State, the Park is a unique wilderness of rugged mountains, coniferous rainforests, wildlife, glaciers, lakes, streams and seascapes. Of the Park's total 922,650 acres, approximately 95% is designated wilderness. The Park's wilderness character is of inestimable value and among the most precious of the region's resources. The wilderness contains over 600 miles of trails, and hundreds of thousands of remote acres offering solitude and unconfined recreation.

Several tribes attach religious or cultural significance to areas within the Park. Tribal lands belonging to the Makah Tribe, the Quileute Tribe, the Hoh Tribe, and the Quinault Indian Nation are within ½ mile of the Park boundary. The Ozette Reservation administered by the Makah Indian Tribe is within the Park boundary.

The Park also contains other cultural resources, many of which are included in or eligible for listing in the National Register of Historic Places, including archeological sites, ethnographic sites, cultural landscapes, and historic districts. The Park has several national and international designations, including designation as a United Nations Educational, Scientific and Cultural Organization (UNESCO) International Biosphere Reserve (1976), inscription on the UNESCO World Heritage List (1981), and designation of Point of Arches as a National Natural Landmark (1971).

The Park serves as habitat for numerous federally-listed threatened and endangered species including marbled murrelet (*Brachyramphus marmoratus*) and northern spotted owl (*Strix occidentalis caurina*), both federally listed as threatened under the Endangered Species Act. Northern spotted owls and marbled murrelets are likely to be disrupted by loud noises that occur in close proximity to an active nest or when the activity occurs within the line-of-sight of the nesting birds. Sound generating activities located within close proximity of occupied nest sites or unsurveyed suitable habitat during early breeding or nesting season have the potential to adversely affect marbled murrelets or northern spotted owls. Marbled murrelet nesting season occurs from April 1 to September 23. Marbled murrelet habitat is primarily along or near river corridors where birds fly from coastal waters to their inland nests to feed nestlings during the dawn and dusk periods (2-hour window for each period). Marbled murrelet potential habitat is up to 3,500 feet elevation on the west side of the Olympic Peninsula, and up to 4,000 feet elevation on the east side of the peninsula. Northern spotted owl nesting season occurs from March 1 to September 30. Northern spotted owl habitat is primarily within the forested areas and Parkwide; however, populations have been in steady decline due to habitat fragmentation and competition with barred owls.

The purposes of the Park include: to preserve for the benefit, use, and enjoyment of the people, a large wilderness park containing the finest sample of primeval forest of Sitka spruce, western hemlock, Douglas fir, and western red cedar in the entire United States; to provide suitable winter range and permanent protection for the herds of native Roosevelt elk and other wildlife indigenous to the area; and, to conserve and render available to the people, for recreational use, this outstanding mountainous country, containing numerous glaciers and perpetual snow fields, and a portion of the surrounding verdant forests together with a narrow strip along the beautiful Washington coast. The following Park management objectives relate to the development of this ATMP:

- Park acoustic resources (i.e., sounds within the Park) are in a natural condition and support an outstanding visitor experience and opportunities to hear and enjoy natural sounds.
- Park resources are maintained such that wilderness character (solitude or primitive and unconfined recreation, including remoteness from sights and sounds; untrammeled or wildness; naturalness; undeveloped; other features or values) is preserved.
- Protect individuals and populations of wildlife species known to be sensitive to the effect of aircraft overflights, including the federally listed northern spotted owl and marbled murrelet.
- Protect cultural resources and related cultural landscapes and ethnographic resources that are important to Native American Tribes associated with the Park.

3.0 CONDITIONS FOR THE MANAGEMENT OF COMMERCIAL AIR TOUR OPERATIONS

3.1 Commercial Air Tours Authorized

Under this ATMP, 64 commercial air tours are authorized per year. Appendix A identifies the operator authorized to conduct commercial air tours and annual flight allocations.

3.2 Commercial Air Tour Routes and Altitudes

Commercial air tours authorized under this ATMP shall be conducted on the route in Figure 2 below.² Altitude expressed in units above ground level (AGL) is a measurement of the distance between the ground surface and the aircraft. Air tours will fly no lower than 2,000 to 3,000 feet (ft.) AGL, depending on location, when over the Park or within ½ mile of the Park boundary, as depicted in Figure 2. Except in an emergency or to avoid unsafe conditions, or unless otherwise authorized for a specified purpose, the operator may not deviate from this route and designated altitudes.

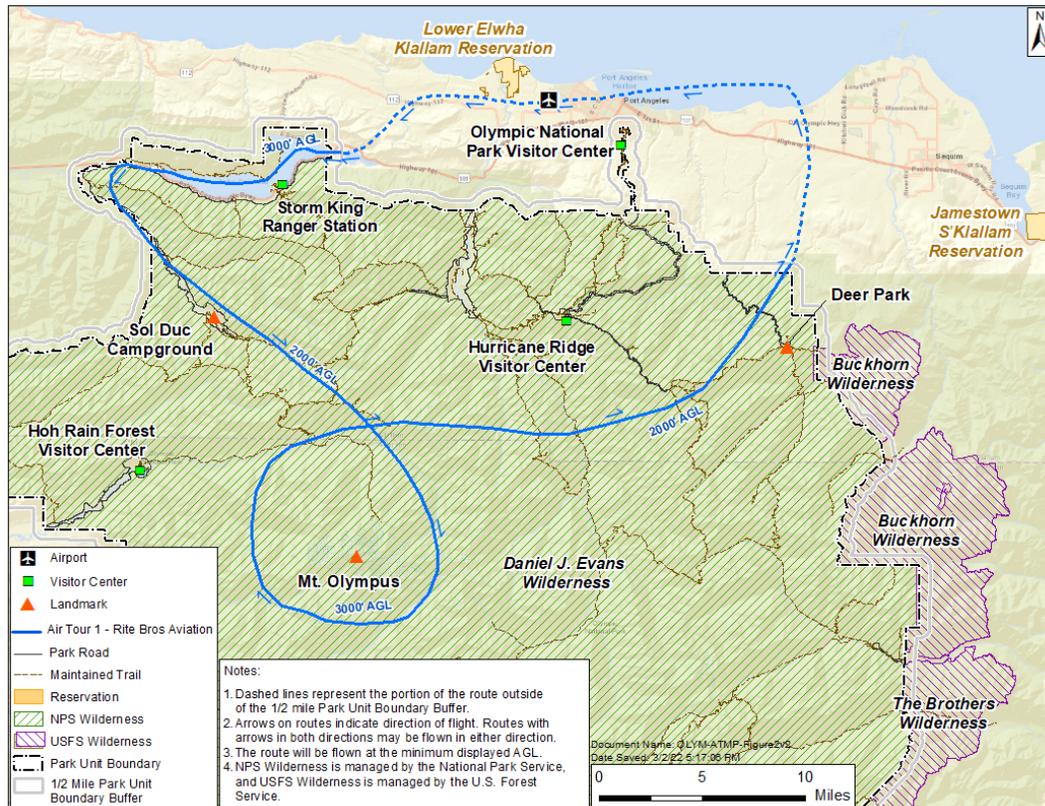


Figure 2. Commercial air tour route over Olympic National Park

² Appendix B contains an enlarged Figure 2.

3.3 Aircraft Type

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

3.4 Day/Time

Except as provided in Section 3.8, “Quiet Technology Incentives,” commercial air tours may operate two hours after sunrise until two hours before sunset, as defined by the National Oceanic and Atmospheric Administration (NOAA).³ Air tours may operate any day of the year, except under circumstances provided in Section 3.5 “Restrictions for Particular Events.”

3.5 Restrictions for Particular Events

The NPS can establish temporary no-fly periods that apply to commercial air tours for special events or planned Park management. Absent exigent circumstances or emergency operations, the NPS will provide a minimum of 15 days written notice to the operator for any restrictions that temporarily restrict certain areas or certain times of day, or 60 days written notice to the operator in writing in advance of the no-fly period. Events may include tribal ceremonies or other similar events.

3.6 Required Reporting

The operator will submit to the FAA and the NPS semi-annual reports regarding the number of commercial air tours over the Park or within ½ mile of its boundary that are conducted by the operator. These reports will also include the flight monitoring data required under Section 4.1 of this ATMP and such other information as the FAA and the NPS may request. Reports are due to both the FAA and the NPS no later than 30 days after the close of each reporting period. Reporting periods are January 1 through June 30 and July 1 through December 31. The operator shall adhere to the requirements of any reporting template provided by the agencies.

3.7 Additional Requirements

3.7A Operator Training and Education: When made available by Park staff, the operator/pilot will take at least one training course per year conducted by the NPS. The training will include the Park information that the operator can use to further their own understanding of Park priorities and management objectives as

³ Sunrise and sunset data is available from the NOAA Solar Calculator, <https://www.esrl.noaa.gov/gmd/grad/solcalc/>

well as enhance the interpretive narrative for air tour clients and increase understanding of parks by air tour clients.

3.7B Annual Meeting: At the request of either of the agencies, the Park staff, the FAA Flight Standards District Office (FSDO) with jurisdiction, and the operator will meet once per year to discuss the implementation of this ATMP and any amendments or other changes to the ATMP. This annual meeting could be conducted in conjunction with any required annual training.

3.7C In-Flight Communication: For situational awareness when conducting tours of the Park, the operator will utilize frequency 122.8 and report when they enter and depart a route. The pilot should identify their company, aircraft, and route to make any other aircraft in the vicinity aware of their position.

3.7D Non-transferability of Allocations: Annual operations under this ATMP are non-transferable. An allocation of annual operations may be assumed by a successor purchaser that acquires an entity holding allocations under this ATMP in its entirety. In such case, the prospective purchaser shall notify the FAA and the NPS of its intention to purchase the operator at the earliest possible opportunity to avoid any potential interruption in the authority to conduct commercial air tours under this ATMP. This notification must include a certification that the prospective purchaser has read and will comply with the terms and conditions in the ATMP. The FAA will consult with the NPS before issuing new or modified operations specifications (OpSpecs) or taking other formal steps to memorialize the change in ownership.

3.8 Quiet Technology Incentives

This ATMP incentivizes the use of quiet technology aircraft by commercial air tour operators. Operators that have converted to quiet technology aircraft, or are considering converting to quiet technology aircraft, may request to be allowed to conduct air tours beginning one hour after sunrise until one hour before sunset on all days that flights are authorized. Because aviation technology continues to evolve and advance and the FAA updates its noise certification standards periodically, the aircraft eligible for this incentive will be analyzed on a case-by-case basis at the time of the operator's request to be considered for this incentive. The NPS will periodically monitor Park conditions and coordinate with the FAA to assess the effectiveness of this incentive. If implementation of this incentive results in unanticipated effects on Park resources or visitor experience, further agency action may be required to ensure the protection of Park resources and visitor experience.

4.0 COMPLIANCE

On the effective date of this ATMP, all commercial air tours over the Park or within ½ mile of the Park boundary must comply with the terms of this ATMP in all respects, except as provided in Section 4.1 below. 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 FSDO with geographic oversight for the Park. The public may also report allegations of non-compliance with

this ATMP to the FSDO. The FSDO will investigate and respond to all written reports consistent with applicable FAA guidance.

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

4.1 Aircraft Monitoring Technology

Operators are required 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 required flight monitoring data shall be provided in a file format approved by the agencies, such as a .csv or .xlsx format. Data must include the following information for each row of data (i.e., each ping):

- Unique flight identifier
- Latitude
- Longitude
- Geometric altitude
- Tail number
- Date
- Time stamp
- Operator and Doing Business As (DBA), if different
- Aircraft type
- Aircraft model

The ping rate should be set to a maximum of 15 seconds. Operators already using aircraft equipped with flight monitoring technology shall ensure it meets the performance standards listed above or acquire and install acceptable flight monitoring technology within 180 days of the effective date of this ATMP. For aircraft not already equipped with flight monitoring technology, within 180 days of the effective date of this ATMP, operators shall equip those aircraft with suitable flight monitoring technology.

5.0 JUSTIFICATION FOR MEASURES TAKEN

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

Under the Act, the FAA was required to grant Interim Operating Authority (IOA) for commercial air tours over the Park or within ½ mile of the Park's boundary and for tribal lands belonging to the Makah Tribe, the Quileute Tribe, the Hoh Tribe, and the Quinault Indian Nation that are within ½ mile of the Park boundary. IOA does not provide any operating conditions (e.g., routes, altitudes, time of day, etc.) for air tours other than an annual limit.

The total number of air tours authorized under this ATMP is consistent with the existing air tours reported over the Park. The annual flight limits in this ATMP are intended to protect soundscapes, tribal use, visitor experience, wilderness character, and wildlife throughout the Park by limiting the number of potential disturbances caused by commercial air tours. The ATMP does not authorize any air tour routes over tribal lands of the Makah Tribe, the Quileute Tribe, the Hoh Tribe, or the Quinault Indian Nation.

The condition that commercial air tours may fly no lower than 2,000 to 3,000 ft. AGL depending on location is consistent with avoidance recommendations for marbled murrelets and northern spotted owls.⁴ Based on a noise analysis conducted by the agencies, the maximum noise levels would not exceed 60 dB at 2,000 ft. AGL at any given point along the route when the air tour occurs, which is below the sound-only injury threshold of 92 dB for northern spotted owls.⁴ Additionally, this provision will improve preservation of wilderness character and visitor experiences on the ground by reducing the intensity of air tour noise to visitors on the ground.

Sunrise and sunset are important times of the day for wildlife and visitor use and experience. Biologically important behaviors for many species occur during this time, such as the dawn chorus for songbirds, foraging, and communication. Wildlife viewing is often conducted during this time of day as well. Day/time restrictions have been included in this ATMP to create quiet periods of the day during which noise from commercial air tours would not impede these critical wildlife behaviors. These restrictions also allow for opportunities for visitors to enjoy natural sounds and aligns with objectives for areas throughout the Park that are managed as wilderness. Restrictions for particular events are intended to prevent noise interruptions of Park events or tribal practices.

Operator training and education will provide opportunities to enhance the interpretive narrative for air tour clients and increase understanding of parks by air tour companies and their clients. The annual meeting will facilitate effective implementation of the ATMP because it will be used to review and discuss implementation of this ATMP between Park staff, the local FAA FSDO, and all operators. It will thus serve to ensure that air tour operators remain informed regarding the terms and conditions of this ATMP, including any adaptive management measures or amendments, and are made aware of new or reoccurring concerns regarding Park resources.

The requirements to equip aircraft 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 are necessary to enable the agencies to appropriately monitor operations and ensure compliance with this ATMP.

⁴ United States Fish and Wildlife Service (2008). Biological Opinion for the Olympic National Park General Management Plan and ongoing Programmatic Park Management Activities 2008-2012. June 18, 2008 (extended December 18, 2020). USFWS Reference: 13410-2007-F-0644-R004.

6.0 NEW ENTRANTS

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

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

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

7.0 COMPETITIVE BIDDING

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

The agencies will request information necessary for them to undertake the competitive bidding process from operators. Operators who do not provide information in a timely manner may be disqualified from further consideration in the competitive bidding process.

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

8.0 ADAPTIVE MANAGEMENT

Adaptive management allows for minor modifications to this ATMP without a formal ATMP amendment if the impacts of such changes are within the impacts already analyzed by the agencies under the National Environmental Policy Act, the National Historic Preservation Act, and the Endangered Species Act. Adjustments to the number of commercial air tours allocated to individual operators as a result of the competitive

bidding process and minor changes to routes, altitudes, or other operating parameters are examples of adaptive management measures that may not require a formal ATMP Amendment. Such modifications may be made if: 1) the NPS determines that they are necessary to avoid adverse impacts to Park resources, values, or visitor experiences; 2) the FAA determines the need for such changes due to safety concerns; or 3) the agencies determine that appropriate, minor changes to this ATMP are necessary to address new information (including information received through tribal input and/or consultation) or changed circumstances.

9.0 AMENDMENT

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

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

Increases to the total number of air tours authorized per year under this ATMP resulting from accommodation of a new entrant application or a request by an existing operator will require an amendment to this ATMP and additional environmental review. Notice of all amendments to this ATMP will be published in the Federal Register for notice and comment.

10.0 CONFORMANCE OF OPERATIONS SPECIFICATIONS

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

11.0 EFFECTIVE DATE

This ATMP is effective on the date new OpSpecs incorporating its operating parameters are issued.

Mike Gauthier
Acting Superintendent
Olympic National Park
National Park Service

Grady Stone
Regional Administrator
Northwest Mountain Region
Federal Aviation Administration

Frank W. Lands
Regional Director
Interior Regions 8, 9, 10 and 12
National Park Service

Kevin Welsh
Executive Director
Office of Environment & Energy
Federal Aviation Administration

Raymond M. Sauvajot
Associate Director
Natural Resource Stewardship and
Science Directorate
National Park Service

APPENDIX A

1.0 COMMERCIAL AIR TOUR ALLOCATIONS

Table 1 provides allocations of the operations authorized per year along with authorized aircraft type by operator. IOA previously issued for the Park and for the tribal lands of the Makah Tribe, the Quileute Tribe, the Hoh Tribe, and the Quinault Indian Nation terminates on the effective date of this ATMP.

Table 1. Air Tour Operations and Aircraft Type by Operator

Air Tour Operator	Annual Operations	Daily Operations	Aircraft Type
Rite Bros Aviation, Inc.	64	No set limit	CE-172-K, CE-172-N, CE-206-TU206F, CE-206-U206A

2.0 DAY/TIME RESTRICTIONS

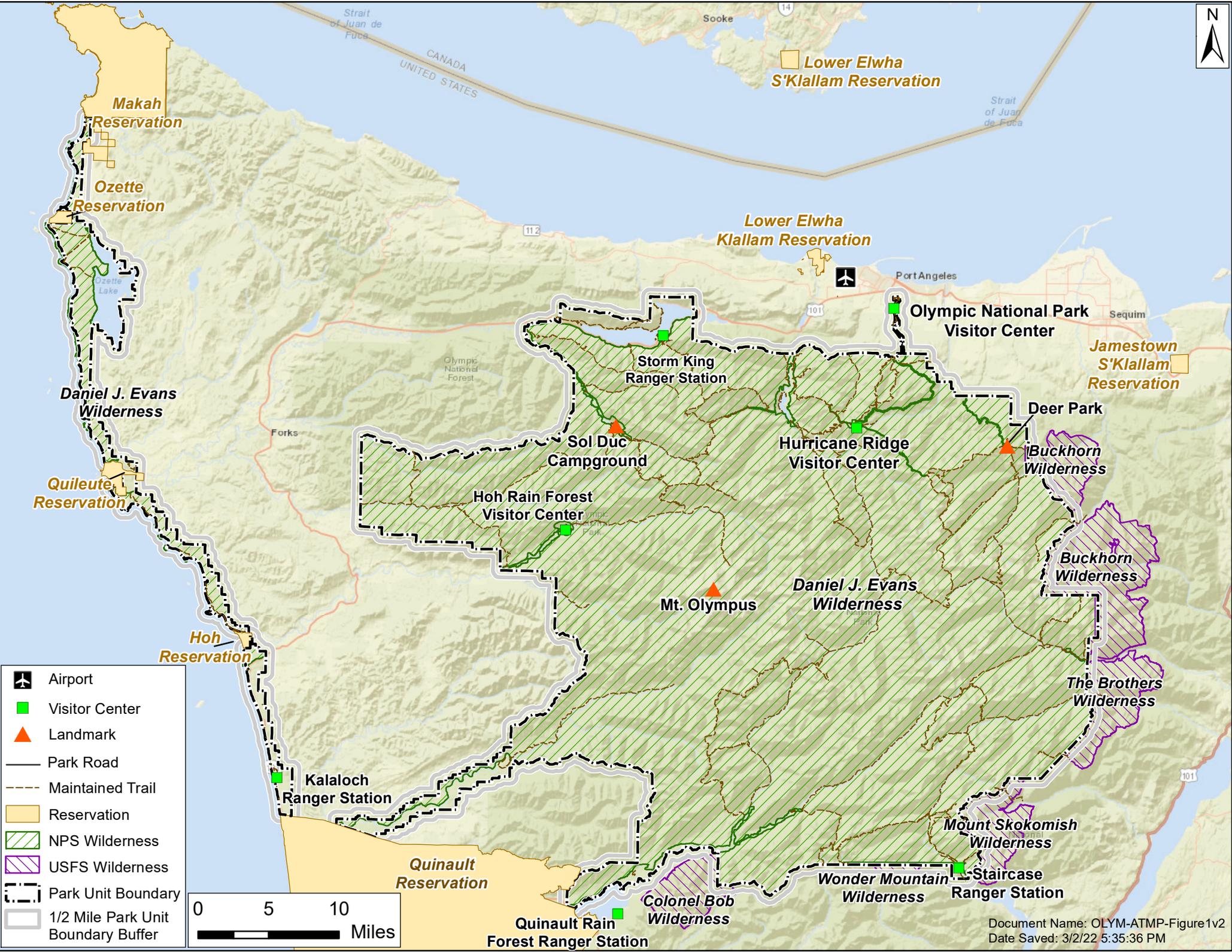
Table 2 lists the time-of-day and day-of-week operating parameters.

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

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

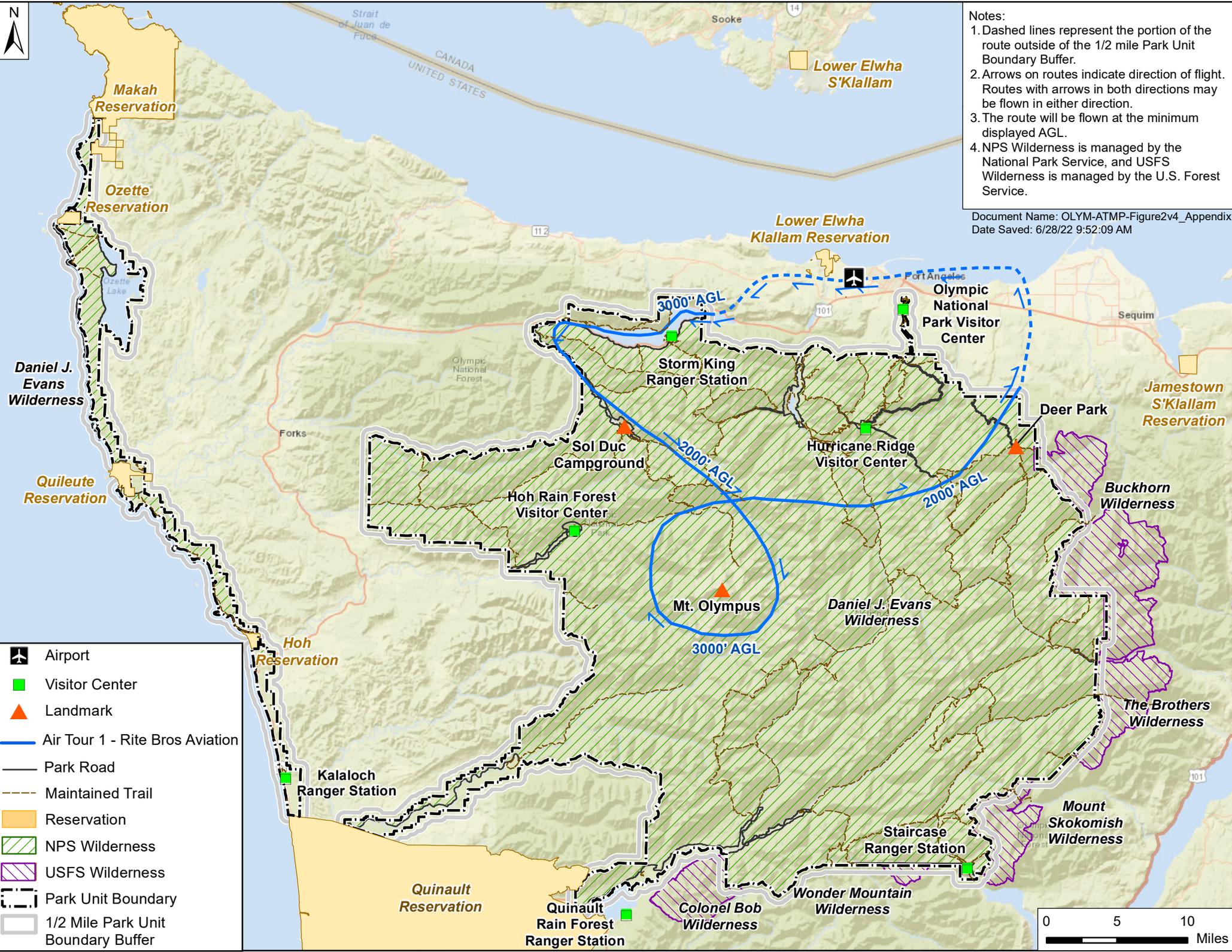
APPENDIX B

Enlarged Figures 1 and 2



-  Airport
-  Visitor Center
-  Landmark
-  Park Road
-  Maintained Trail
-  Reservation
-  NPS Wilderness
-  USFS Wilderness
-  Park Unit Boundary
-  1/2 Mile Park Unit Boundary Buffer





- Notes:
1. Dashed lines represent the portion of the route outside of the 1/2 mile Park Unit Boundary Buffer.
 2. Arrows on routes indicate direction of flight. Routes with arrows in both directions may be flown in either direction.
 3. The route will be flown at the minimum displayed AGL.
 4. NPS Wilderness is managed by the National Park Service, and USFS Wilderness is managed by the U.S. Forest Service.

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- Airport
- Visitor Center
- Landmark
- Air Tour 1 - Rite Bros Aviation
- Park Road
- Maintained Trail
- Reservation
- NPS Wilderness
- USFS Wilderness
- Park Unit Boundary
- 1/2 Mile Park Unit Boundary Buffer



APPENDIX B

Environmental Screening Form



ENVIRONMENTAL SCREENING FORM (ESF)

PROJECT INFORMATION

Project Title: Olympic National Park Air Tour Management Plan

PEPC Project Number: 103431

Project Type: Categorical Exclusion

Project Location: Jefferson County, Clallam County, Mason County, and Grays Harbor County, Washington

PROJECT DESCRIPTION

The proposed action is to implement an Air Tour Management Plan (ATMP) for Olympic National Park (the Park). The “Project Description” section of the Categorical Exclusion (CE) Form for the ATMP sets out the elements of the ATMP and is incorporated herein by reference.

RESOURCE IMPACTS TO CONSIDER

Definition of Effect or Impact (40 C.F.R. § 1508.1(g))

Effect or impact means changes to the human environment from the proposed action¹ or alternatives that are reasonably foreseeable and include direct effects, indirect effects, and cumulative effects. Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effects will be beneficial.

For the purposes of considering environmental impacts, the National Park Service (NPS) evaluated the change to the human environment resulting from implementation of the ATMP. Consistent with Council on Environmental Quality regulations, the baseline from which to measure environmental impacts of the ATMP is the current condition of the human environment. In this case, the baseline is the current condition of Park resources and values, as impacted by 64 commercial air tours per year (the existing three-year average of tours conducted on an annual basis from 2017-2019) along with other planned actions and trends. The baseline also includes the route and altitude information of commercial air tours provided by the operator in the fall of 2020, as well as the timing and daily commercial air tour information from commercial air tour reports provided by the operator from 2017-2019.

¹ The ATMP is the proposed action for this CE.

Existing Conditions of Commercial Air Tours over the Park

One commercial air tour operator, Rite Bros Aviation, Inc., holds Interim Operating Authority (IOA) to conduct a total of 76 commercial air tours over the Park each year. Based on the three-year average of reporting data from 2017 to 2019, the operator conducts an average of 64 commercial air tours over the Park each year. Rite Bros Aviation, Inc. conducts commercial air tours on a single route over the Park. Commercial air tours are conducted using CE-172-N, CE-172-K, CE-206-TU206F, and CE-206-U206A fixed-wing aircraft at a minimum altitude of 2,000 feet (ft.) to 3,000 ft. above ground level (AGL), depending on location over the Park. Commercial air tours are typically conducted between the hours of 6:45 AM and 7:00 PM and occur on 49–52 days of the year between April and November. For the majority of those days, Rite Bros Aviation, Inc. has reported flying just one flight, though multiple flights on a single day have occasionally been reported.

Summary of the ATMP

The ATMP limits the number of commercial air tours that the operator is authorized to conduct over the Park or within ½ mile of its boundary to the existing three-year average of tours conducted from 2017-2019 (64 tours per year). The operator will be allowed to conduct commercial air tours on the existing route that the operator currently reports flying over the Park. The ATMP results in no change to the minimum altitudes that commercial air tours may fly over the Park (minimum 2,000 ft. to 3,000 ft. AGL, depending on location over the Park). The ATMP restricts the hours during which commercial air tours may be conducted over the Park, beginning two hours after sunrise until two hours before sunset, except as provided for quiet technology incentives. Although no time-of-day restrictions currently exist, reporting data indicates that 94% of commercial air tours are currently conducted within this window of time. The ATMP allows the Park to establish no-fly periods for special events or planned Park management.

Evaluation of the ATMP

Table 1. Potential Issues and Impacts to Resources

Resource	Potential Issues & Impacts
Air Air Quality	The findings from the screening analysis demonstrate that implementing the ATMP will not meaningfully impact (meaning that it will have no or minimal impact) local air quality and will not have regional impacts. See <i>Air Quality Technical Analysis</i> below.
Biological Species of Special Concern or Their Habitat	<p><u>Federally Listed Threatened and Endangered Species</u></p> <p>The Park has a number of Federally designated threatened and endangered species, including listed birds and fish. The Section 7 analysis conducted by the agencies considered the potential effects of the ATMP on listed species and/or designated critical habitat without the consequences to those listed species by the existing commercial air tours, in accordance with 50 CFR § 402.02. The agencies analyzed potential impacts for all listed species with suitable habitat within the Park with a focus on two species, marbled murrelet (<i>Brachyramphus marmoratus</i>) and northern spotted owl (<i>Strix occidentalis caurina</i>). The agencies have determined that the ATMP would have <i>No Effect</i> on threatened and endangered species or their critical habitats. Refer to the Section 7 documentation for additional information, which includes the agencies’ analysis. The ATMP is expected to have beneficial impacts on listed species when compared to current conditions because the number of authorized flights under the ATMP is the same as the average number of flights from 2017-2019, the route and altitudes will remain the same as those currently flown under existing conditions, and the ATMP requires additional conservation measures to protect listed species including northern spotted owl and marbled murrelet.</p>

	<p><u>Special Status Species and Migratory Birds</u></p> <p>Bald eagles (<i>Haliaeetus leucocephalus</i>) and golden eagles (<i>Aquila chrysaetos</i>) are protected raptor species that are present in the Park.² These species are especially sensitive to low flying aircraft and their associated noise. Nesting eagles that are repeatedly disturbed by noise will abandon their nests. Additionally, raptors may collide with aircraft because of the altitude at which raptors fly. Scientific and national level guidance recommends aircraft standoff of 1,000 ft. for bald eagles (U.S. Fish and Wildlife Service, 2007) and golden eagles to reduce noise impacts (Richardson and Miller, 1997). The ATMP authorizes the same number of flights on the same route when compared to current conditions and sets the minimum altitude at 2,000 ft. – 3,000 ft. AGL depending on location over the Park for commercial air tours. Therefore, the ATMP is expected to have negligible or only beneficial impacts on these species when compared to current conditions.</p> <p>A number of other migratory birds³ and other avian species use the Park. Information related to migratory birds are summarized more generally under “Wildlife and/or Wildlife Habitat including terrestrial and aquatic species”. Migratory birds will be exposed to noise at a similar or decreased level compared to what is currently occurring because the number of authorized flights under the ATMP is the same as the average number of flights from 2017-2019. Therefore, the ATMP is expected to have negligible or only beneficial impacts on these species when compared to current conditions.</p>
<p>Biological Wildlife and/or Wildlife Habitat including terrestrial and aquatic species</p>	<p>The Park and its surroundings are home to a wide variety of wildlife. On land, some species, like raccoons, beaver, and mink, live mostly in the lowlands. Others, like deer, elk, cougars, and bears, range from valleys to mountain meadows. Park waters are home to some of the healthiest runs of Pacific salmon outside of Alaska. Over 300 species of birds live in the Park for at least part of the year. The wildlife community of the isolated Olympic Peninsula is also unique for its endemic wildlife including the Olympic marmot, Olympic snow mole, and Olympic torrent salamander.</p> <p>Noise from commercial air tours may impact wildlife in a number of ways: altered vocal behavior, breeding relocation, changes in vigilance and foraging behavior, and impacts on individual fitness and the structure of ecological communities to name a few (Shannon et al., 2016; Kunc et al., 2016; Kunc and Schmidt, 2019). Understanding the relationship between commercial air tour noise attributes (e.g., timing, intensity, duration, and location) and ecosystem responses is essential for understanding impacts to these species and developing management actions to address them (Gutzwiller et al., 2017).</p> <p>The ATMP sets a maximum number of commercial air tours per year over the Park to 64 flights, which is consistent with the existing three-year average of annual operations, and requires use of the same route and altitudes as utilized under existing operations. By establishing this limit, even if each of the permitted commercial air tours was conducted on its own individual day, the majority of days at the Park (over 300 days per year) would remain free of commercial air tours, avoiding and minimizing the potential for disturbances to wildlife.</p>

² Bald eagles and golden eagles are protected under the Bald and Golden Eagle Protection Act.

³ Migratory bird species are protected under the Migratory Bird Treaty Act.

	<p>Since the ATMP authorizes a maximum number of commercial air tours per year equivalent to the three-year average from 2017-2019 on the same route that is currently used, it is anticipated that there will be little to no change to existing operating conditions and the resultant disturbances to wildlife. Furthermore, the ATMP requires the operator to continue to fly at the same altitudes that are flown under existing conditions (2,000 ft. to 3,000 ft. AGL, depending on location over the Park). This limits noise exposure and resultant disturbances to wildlife in the Park, and it will result in a negligible or only beneficial impact compared to current conditions. Many species of wildlife move, making daily maximum exposure less likely.</p> <p>Sunrise and sunset are important times of the day for wildlife. Biologically important behaviors for many species occur during these times, such as the dawn chorus for songbirds, foraging, and communication. The day/time restrictions and quiet technology incentives included in the ATMP provide protection to wildlife that are active during sunrise and sunset, which represents an improvement to current conditions. In the event that operators request and are authorized to use the quiet technology incentive, those tours would result in the possibility of noise during the sunrise/sunset time periods. The impacts from these flights would be less than the noise modeled in the <i>Noise Technical Analysis</i> but could be more than when there are no flights during this time of day.</p> <p>In conclusion, while wildlife will continue to be exposed to noise, effects are expected to be insignificant and will not be widespread throughout the Park. Any disturbances will likely be temporary in nature and infrequent on both a daily and annual basis. Noise from commercial air tours will be experienced by only those wildlife under or near the designated route, leaving most wildlife in the Park unaffected. The level of noise exposure will be similar or decrease compared to current conditions because the number of authorized flights under the ATMP will be the same as the average number of flights from 2017-2019. Therefore, impacts to wildlife are not significant. See also the discussion above for special status species.</p>
<p>Cultural Cultural Landscapes</p>	<p>The NPS defines a Cultural Landscape as: a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. There are four general kinds of cultural landscapes, not mutually exclusive: historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes (National Park Service, 2002).</p> <p>An impact to a cultural landscape will occur if the project alters any of the characteristics that help make the cultural landscape eligible for listing in the National Register of Historic Places (NRHP). This includes any diminishment of the cultural landscape's integrity of location, design, setting, materials, workmanship, feeling, or association. The potential impacts to cultural landscapes from the ATMP are limited to the continuation of visual and audible elements that diminish the integrity of the landscape setting and/or feeling.</p> <p>The Hoh Developed Area Historic District is a historic property within the Park that has been identified and evaluated within the context of cultural landscapes and is considered eligible for listing in the NRHP. The number of authorized flights under the ATMP will be the same as the average number of flights from 2017-2019 and the</p>

	<p>same route used under existing operations will be used. The <i>Noise Technical Analysis</i> shows that aircraft noise related to commercial air tours are predicted to be greater than 35 A-weighted decibels (dBA) for less than ten minutes a day in areas directly beneath and adjacent to the route (see Figure 1). Therefore, impacts to cultural landscapes will be similar to or decrease compared to impacts currently occurring because the number of authorized flights under the ATMP will be the same as the average number of flights from 2017-2019.</p> <p>The Federal Aviation Administration (FAA) and the NPS consulted with the Washington State Historic Preservation Office, Native American tribes, and other consulting parties on the potential impacts of the ATMP on Historic Properties, including cultural landscapes as part of Section 106 consultation. That consultation process led to a finding that the ATMP will have no adverse effect on historic properties. Refer to the Section 106 documentation for more information.</p>
<p>Cultural Ethnographic Resources</p>	<p>The NPS defines Ethnographic Resources as: a site, structure, object, landscape, or natural resource feature assigned traditional legendary, religious, subsistence, or other significance in the cultural system of a group traditionally associated with it (National Park Service, 2002). Ethnographic resources include Traditional Cultural Properties (TCPs) (National Park Service, 1992).</p> <p>An impact to an Ethnographic Resource will occur if the project affects those elements of the resources that make it significant to the group traditionally associated with the resource, or if the project interferes with the use of the resource by the associated groups.</p> <p>The following tribes attach religious or cultural significance to areas within and adjacent to the Park:</p> <ul style="list-style-type: none"> • Confederated Tribes of the Chehalis Reservation • Confederated Tribes of the Warm Springs Reservation of Oregon • Hoh Tribe • Jamestown S’Klallam Tribe • Lower Elwha Klallam Tribe • Makah Tribe • Port Gamble S’Klallam Tribe • Quileute Tribe Quinault Indian Nation • Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation • Skokomish Indian Tribe • Squaxin Island Tribe of the Squaxin Island Reservation • Suquamish Indian Tribe of the Port Madison Reservation <p>The tribes have informed Park staff that there are sites within the Park that are significant to the tribes. Park staff have identified a number of TCPs within the Elwha River Valley to the north of the Park.</p> <p>The ATMP includes provisions that allow for the establishment of no-fly periods. These no-fly periods may be established to avoid conflicts or impacts to tribal ceremonies or similar activities, therefore no impacts on Ethnographic Resources are anticipated. Sacred ceremonies or other Tribal activities which occur without notice to</p>

	<p>the NPS may be interrupted by noise, however, commercial air tours have no effect on Tribal access.</p> <p>The FAA and the NPS consulted with the tribes listed above on the potential impacts of the ATMP on Ethnographic Resources, through compliance with Section 106 of the National Historic Preservation Act. That consultation led to a finding that the ATMP will have no adverse effect on historic properties, which includes Ethnographic Resources.</p>
<p>Cultural Prehistoric/historic structures</p>	<p>Cultural resources within the Park include a number of archaeological sites and historic structures. As noted above, impacts to these resources will occur if the ATMP alters the characteristics of an archaeological site or historic structure that make it eligible for NRHP listing. Commercial air tours, by their nature, have the potential to impact resources for which only feeling and setting are the contributing elements. Feeling and setting have been identified as contributing elements for 16 cultural resources in the Park. Refer to the Section 106 documentation for a complete list.</p> <p>Commercial air tours will result in the continuation of visual and audible elements that are inconsistent with the feeling and setting for these resources. These intrusions will be limited to a maximum of 64 instances per year, and of limited duration. The <i>Noise Technical Analysis</i> shows that aircraft noise related to commercial air tours are predicted to be greater than 35 dBA for less than ten minutes a day in areas directly beneath and adjacent to the route (see Figure 1). These impacts will be similar to or decrease compared to impacts currently occurring because the number of authorized flights under the ATMP will be the same as the average number of flights from 2017-2019 using the same route and altitudes as existing operations. Therefore, the ATMP is expected to have negligible or only beneficial impacts on cultural resources when compared to current conditions.</p> <p>The FAA and the NPS consulted with the Washington State Historic Preservation Office, Native American tribes, and other consulting parties on the potential impacts of the ATMP on Historic Properties, including cultural; prehistoric/historic structures as part of Section 106 consultation. That consultation process led to a finding that the ATMP will have no adverse effect on historic properties.</p>
<p>Cultural Tribal Lands</p>	<p>The National Parks Air Tour Management Act (NPATMA) requires that ATMPs address commercial air tours over tribal lands that are within the Park or outside the Park and within ½-mile of its boundary. Tribal lands belonging to the Makah Tribe, the Quileute Tribe, the Hoh Tribe, and the Quinault Indian Nation are within ½ mile of the Park boundary. The Ozette Reservation administered by the Makah Tribe is within the Park boundary. The existing commercial air tour route does not pass over these lands and the commercial air tour route authorized by the ATMP does not pass over these lands. While sound does travel over distances, given the location of the commercial air tour route authorized under the ATMP coupled with the altitude at which the aircraft will be flying, and the various factors that influence how far sound travels before being absorbed into the atmosphere, the NPS has determined that no impacts to Tribal lands will result from the commercial air tours authorized under the ATMP. Refer to Figure 1 in the CE form to understand where Tribal lands are located.</p>
<p>Lightscapes Lightscapes</p>	<p>Under the ATMP, unless they qualify for the quiet technology incentive, commercial air tours are not permitted within two hours before sunset and two hours after sunrise. Any lights from commercial air tour aircraft are not likely to be noticeable and any impacts will be similar to or decrease compared to current conditions because the number of authorized flights under the ATMP will be the same as the average number</p>

	of flights from 2017-2019 and the same route and altitudes will be used. Therefore, impacts to lightscapes will not be significant.
Other Human Health and Safety	Commercial air tours are subject to the FAA regulations for protecting individuals and property on the ground, and preventing collisions between aircraft, land or water vehicles, and airborne objects. The operator must continue to meet the FAA safety regulations.
Socioeconomic Minority and low-income populations, size, migration patterns, etc.	U.S. Census data (United States Census Bureau, 2021) for census blocks surrounding the Park was reviewed to determine the presence of minority or low-income populations immediately outside and within ½-mile of the Park boundary. Based on this review, low-income populations were identified in Jefferson County, Clallam County, Mason County, and Grays Harbor County. However, commercial air tours will not have a disproportionate impact on low-income or minority populations, since the noise associated with commercial air tours will occur in areas directly beneath and adjacent to the route within the Park and will not be concentrated over low-income or minority populations. Based on the <i>Noise Technical Analysis</i> , the noise associated with commercial air tours is predicted to be above 52 dBA (which is associated with speech interference) for less than five minutes in several small areas directly beneath and adjacent to the route (see Figure 2) on days when commercial air tours occur. Therefore, the ATMP will not have a disproportionate impact on low-income or minority populations.
Socioeconomic Socioeconomic	Commercial air tours generate income for operators and potentially generate income for other ancillary visitor industry businesses. Visitors from outside the immediate area contribute to this income. Because the number of commercial air tours authorized under the ATMP is the same as the average number of flights from 2017-2019, the Park does not expect visitor spending on commercial air tours or economic activity in the local communities to change. The competitive bidding process may redistribute the number of flights and income between individual operators in the future but is not anticipated to affect the overall average number of flights or local business activity generated by these flights.
Soundscapes Acoustic Environment	<p>Baseline acoustic conditions in the Park were measured in 2010, 2011 and 2012 (Lee and MacDonald, 2016; Pipkin, 2021). The existing ambient daytime sound level was reported to be 23-42 decibels, while the natural ambient daytime sound level was reported to be 21-42 decibels. The existing ambient condition includes all sound associated with a given environment, i.e., natural, human, and mechanical sounds, such as automobiles and aircraft. Aircraft sound measured at a sampling location may include general aviation, commercial jets, military, and air tours. The natural ambient is the sound conditions found in a study area, including all sounds of nature (i.e., wind, water, wildlife, etc.) and excluding all human and mechanical sounds. Both the existing and natural ambient conditions were considered in the resource impacts analysis.</p> <p>Depending on a receiver's location on the ground in relation to an aircraft flying overhead, aircraft sound can range from faint and infrequent to loud and intrusive. Impacts of aircraft noise range from masking quieter sounds of nature such as bird vocalizations to noise loud enough to interrupt conversational speech between visitors. To capture how noise may affect quieter natural sounds or conversations, the resource impacts analysis below examines the time above 35 decibels (for quieter natural sounds and impacts to natural resources) and time above 52 decibels for conversational speech disturbance and impacts to visitor experience.</p>

	<p>Overall, noise impacts associated with commercial air tours over the Park are not expected to measurably change, since the ATMP authorizes the same number of flights per year as the average number of flights from 2017-2019 and requires commercial air tours to maintain the same route and altitudes flown under existing conditions.</p> <p>For purposes of assessing noise impacts from commercial air tours on the acoustic environment of the Park under the National Environmental Policy Act (NEPA), the FAA noise evaluation is based on Yearly⁴ Day Night Average Sound Level (DNL); the cumulative noise energy exposure from aircraft over 24 hours. The DNL analysis indicates that the ATMP would not result in any noise impacts that would be “significant” or “reportable” under FAA’s policy for NEPA. Refer to the <i>Noise Technical Analysis</i> below.</p>
<p>Viewsheds Viewsheds</p>	<p>While studies indicate that aircraft noise in national parks can impact human perceptions of aesthetic quality of viewsheds (Weinzimmer et al., 2014, Benfield et al., 2018), because the level of commercial air tour activity under the ATMP will remain the same, there will be no change in the effect to visitors in this regard. Other literature for studies on impacts from commercial air tours or overflights generally on viewsheds conclude that the visual impacts of overflights are difficult to identify because visitors primarily notice aircraft because of the accompanying noise. Aircraft are transitory elements in a scene and visual impacts tend to be relatively short. The short duration and relatively low number of flights (along with the position in the scene as viewed from most locations) make it unlikely the typical visitor will notice or be visually distracted by aircraft. The 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. Aircraft at lower altitudes may attract visual attention but are also more likely to be screened by vegetation or topography.</p> <p>Under existing operations, commercial air tours over the Park are flown on a single route, which flies around the base of Mount Olympus. The route passes over the Park and ½-mile buffer for approximately 83 flight miles, avoiding the majority of the Park’s area. Reporting data indicates that on average, commercial air tours occur on 49-52 days of the year, leaving the vast majority of days (over 300 days per year) free of commercial air tours. The ATMP limits the number of commercial air tours to 64 tours per year and maintains the same route and altitudes as are currently flown under existing operations. Therefore, impacts to viewsheds will be similar or decrease compared to impacts currently occurring because the number of authorized flights under the ATMP will be the same as the average number of flights from 2017-2019, and route and altitudes will remain the same as compared to existing conditions. They would therefore not be considered significant.</p>
<p>Visitor Use and Experience Recreation Resources</p>	<p>Commercial air tours offer a recreational experience for those who wish to view the Park from a different vantage point. Because the number of commercial air tours under the ATMP is consistent with the average number of flights from 2017-2019, there are</p>

⁴ As required by FAA policy, the FAA typically represents yearly conditions as the Average Annual Day (AAD). However, because ATMP operations in the park occur at low annual operational levels and are highly seasonal in nature, the FAA determined that a peak day representation of the operations would more adequately allow for disclosure of any potential impacts. A peak day has therefore been used as a conservative representation of assessment of AAD conditions required by FAA policy.

	<p>no or minimal changes anticipated to the number of commercial air tours offered per year compared to current conditions.</p> <p>Currently, customers on commercial air tours are not required to pay an entrance fee at the Park, nor are the commercial air tour operators required to pay a fee to the Park.</p>
<p>Visitor Use and Experience Visitor Use and Experience</p>	<p>The NPS allows visitor uses that are appropriate to the purpose for which the Park was established and can be sustained without causing unacceptable impacts to Park resources or values. Unacceptable impacts are impacts that, individually or cumulatively, will unreasonably interfere with Park programs or activities including interpretive programs, or the atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic, or commemorative locations within the Park (National Park Service, 2006, 8.2).</p> <p>Effects of commercial air tours on Park visitor experience have been well documented over many years. See <i>Report on the Effects of Aircraft Overflights on the National Park System</i> (Department of Interior/National Park Service, 1995). The primary effect of commercial air tours is the introduction of noise into the acoustic environment. Numerous studies have identified the value and importance of soundscapes as one of the motivations for visiting parks (Haas and Wakefield, 1998; McDonald et al., 1995; Merchan et al., 2014; Miller et al., 2018), including in a cross-cultural context (Miller et al., 2018). Other studies have focused specifically on the effects of aircraft on the visitor experience both in parks and protected areas, and a laboratory setting, indicating that aircraft noise negatively impacts the visitor experience (Anderson et al., 2011; Ferguson, 2018; Mace et al., 2013; Rapoza et al., 2015).</p> <p>Currently, some Park visitors may hear noise from commercial air tours, which may disrupt visitors or degrade the visitor experience at the Park by disturbing verbal communications and masking the sounds of nature. For example, noise from commercial air tours may disrupt visitors during interpretive and educational programs at historical sites or while hiking, camping, boating, fishing, or participating in other activities. Visitors respond differently to noise from commercial air tour overflights – noise may be more acceptable to some visitors than others. Visitors in backcountry and wilderness areas often find commercial air tours more intrusive than visitors in developed and frontcountry areas where noise from commercial air tours may not be as audible (Rapoza et al., 2015; Anderson et al., 2011).</p> <p>Visitor points of interest include campgrounds, coastal areas, visitor centers, and trails. Ranger-led education and interpretative programs occur across the Park throughout the summer at popular destinations and campgrounds. Noise disturbances to visitors from commercial air tours are not expected to measurably change under the ATMP because the ATMP authorizes the same number of commercial air tours as the average number of flights from 2017-2019 and requires commercial air tours to fly the same route and at the same altitudes currently reported by the operator, depending on location over the Park. On days when commercial air tours will occur, noise levels above 52 dBA (which is associated with speech interference) will occur for less than five minutes in several small areas directly beneath and adjacent to the route (see Figure 2). See <i>Noise Technical Analysis</i> below. Finally, limiting the operation of commercial air tours from two hours after sunrise until two hours before sunset, or from one hour after sunrise until one hour before sunset for operators that have converted to quiet technology aircraft, provides times when visitors seeking solitude may explore the Park without disruptions from commercial air tours. Collectively, these changes from existing</p>

	<p>operations and their effect on the current condition of visitor experience will result in beneficial impacts to the visitor experience in the Park.</p>
<p>Wilderness Wilderness</p>	<p>Of the Park’s total 922,650 acres, approximately 95% is designated wilderness. The Park’s wilderness character is of inestimable value and among the most precious of the region’s resources. The wilderness contains over 600 miles of trails, and hundreds of thousands of remote acres offering solitude and unconfined recreation.</p> <p>Section 2(a), in the Wilderness Act states that wilderness areas “shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character.” The NPS manages wilderness to preserve wilderness character consistent with the Act and generally manages for the natural, untrammeled, undeveloped, solitude and unconfined recreation, and other features of value. Commercial air tours over national parks may impact several qualities of wilderness character, including the opportunity for solitude, the natural quality, and potentially other features of value if applicable. Because commercial air tours do not land in wilderness or parks, the undeveloped quality of wilderness is not considered here.</p> <p><i>Keeping It Wild 2: An Updated Interagency Strategy to Monitor Trends in Wilderness Character Across the National Wilderness Preservation System</i> (Landres et al., 2015) notes that solitude includes attributes such as “separation from people and civilization, inspiration (an awakening of the senses, connection with the beauty of nature and the larger community of life), and a sense of timelessness (allowing one to let go of day-to-day obligations, go at one’s own pace, and spend time reflecting)” (p. 51). These authors cite a review of research suggesting that solitude encapsulates a range of experiences, including privacy, being away from civilization, inspiration, self-paced activities, and a sense of connection with times past (Borrie and Roggenbuck, 2001). Generally, solitude improves when sights and sounds of human activity are remote. Commercial air tours can represent both a sight and sound of human activity and therefore detract from this quality of wilderness character.</p> <p>Noise from commercial air tours has the potential to disrupt the opportunity for solitude in designated wilderness areas. On days when commercial air tours would occur, noise levels above 35 dBA would not exceed ten minutes in areas beneath and adjacent to the route (see Figure 1). The Equivalent Sound Level or LA_{eq} would not exceed 35 dBA. See <i>Noise Technical Analysis</i> below. Impacts to solitude are limited to only those wilderness areas below the designated route and are limited on an annual basis. The single commercial air tour route authorized by the ATMP avoids the Park’s coastal wilderness. Because the overall number of commercial air tours will be limited to no more than 64 tours each year, most visitors will be unlikely to encounter noise from commercial air tours within wilderness areas. As described in analyses for soundscapes, viewsheds, and visitor use and experience, because the ATMP authorizes the same number of commercial air tours as the average number of flights from 2017-2019, and the same route will be used, impacts to solitude will be similar or decrease compared to impacts currently occurring. Therefore, the impacts to solitude will not be significant.</p> <p>Impacts on the natural quality of wilderness character are the same as those described under the natural resource categories above (biological, etc.) and will be limited on an annual basis. Therefore, the ATMP is not expected to result in a change in impacts to</p>

	<p>solitude compared to current conditions. As described in those previous analyses, because the ATMP authorizes the same number of commercial air tours as the average number of flights from 2017-2019, and the same route will be used, impacts to the natural quality will be similar or decrease compared to impacts currently occurring. Therefore, the impacts to natural quality will not be significant.</p> <p>Section 2 (c)(4) of the Wilderness Act states that wildernesses “may contain features of ecological, geological, scientific, educational, scenic, or historical value.” Where present, cultural resources are part of this “unique” quality of wilderness character. Therefore, active management of wilderness cultural resources must take into account both cultural resource values and contributions to wilderness character.</p> <p>Flights over sensitive cultural resources located in designated wilderness areas have the potential to impact the auditory and visual area of potential effect (APE) of both known and yet unidentified cultural resources.</p> <p>However, as described in analyses for cultural resources, because the ATMP authorizes the same number of commercial air tours as the average number of flights from 2017-2019, and the same route and altitudes will be used, impacts to other features of value will be similar or decrease compared to impacts currently occurring. Therefore, the impacts to other features of value within wilderness will not be significant.</p>
Cumulative Effects	<p>The cumulative impact analysis for the ATMP focuses on noise and viewshed impacts. Impacts to other resources, i.e., wildlife, visitor experience, ethnographic resources, wilderness, etc. all result from noise or viewshed impacts. The cumulative impacts to air quality are considered in the air quality analysis as it considers the contribution in a regional context as well as Park specific context.</p> <p>Many activities may contribute noise to the Park’s acoustic environment. Aviation activities such as commercial air tours above 5,000 ft. AGL, and overflights by military aircraft, high altitude jets, or private aviation regardless of altitude are not subject to regulation under NPATMA. At the Park, military aircraft overflights associated with the nearby military base at Whidbey Island are commonly flown over the Park. These flights may detract from the viewshed of the Park as well.</p> <p>The Park’s developed areas and roadways also contribute to ambient noise. Maintenance and other administrative activities, such as search and rescue efforts, etc., may also contribute noise to the acoustic environment, but are generally temporary, irregular, and do not last more than a few hours. Intermittent construction activities may add noise to the Park’s acoustic environment, though generally those occur in already developed areas where noise is generally more acceptable and expected.</p> <p>The agencies have qualitatively considered the cumulative impacts of commercial air tours along with impacts from existing activities generally described above. In some cases, the noise contribution from other sources may be substantial, such as military overflights, high-altitude jets, and roadway traffic. In those cases, the addition of commercial air tour noise is such a small contribution of noise overall that it is unlikely they would result in noticeable or meaningful change in the overall acoustic environment. Commercial air tours over roadways or heavily used motorized waterways are likely to continue to be masked by existing noise and therefore the impacts would be de minimis. Finally, the ATMP does not add new noise to the existing acoustic environment. Therefore, when considering other sources of noise in</p>

	<p>the Park that are likely to continue under the ATMP, the continuation of 64 commercial air tours will not result in a meaningful change to the current condition of the visual or auditory landscape in the Park.</p> <p>As noted above under viewsheds, visual or viewshed impacts associated with aircraft are most noticeable because of noise. As described above, the ATMP will not result in an increase in impacts to the acoustic environment. Additionally, there would not be significant cumulative changes to the viewshed since the number of air tours is not increasing but is consistent with the 3-year average. Therefore, no significant cumulative environmental impacts are likely to result from this ATMP.</p>
Indirect Effects	<p>The ATMP applies to all commercial air tours over the Park or within ½ mile outside the boundary of the Park, including any tribal lands within that area, that are flown below 5,000 ft. AGL. These flights take off and land from the William R. Fairchild International Airport, which is approximately three miles from the nearest point of the Park’s ½-mile boundary buffer and is outside of the area regulated by the ATMP. Land uses between the airport and the Park’s ½-mile boundary buffer include residential, agricultural, and undeveloped land uses. Commercial air tours traveling to and from the Park could result in some temporary noise disturbances in these areas. Commercial air tours may fly over residential areas resulting in temporary noise disturbance to homeowners. Undeveloped lands will likely experience similar impacts to those described in other sections of this ESF, i.e., temporary disturbances to wildlife, etc. although flight altitudes may be different outside the Park boundary resulting in potentially more adverse impacts than those occurring within the ATMP boundary. Because of the relatively low number of flights authorized by the ATMP (no more than 64 tours per year), these effects are expected to be insignificant.</p> <p>Since the ATMP authorizes the same number of commercial air tours per year as existing conditions using the same route and altitudes, it is unlikely that the frequency and nature of these disturbances outside of the Park and its ½-mile buffer would result in a change from current condition. Therefore, the agencies consider indirect effects of the ATMP to be negligible. However, since the ATMP cannot regulate the flight path, altitude, duration, etc. of flights beyond ½-mile boundary of the Park (the operator must comply with relevant FAA regulations), the agencies are unable to require operators to continue to fly outside of the ½-mile boundary of the Park in the manner in which they currently fly under existing conditions or to require operators to change any operational parameters (e.g., altitude or routes). However, the agencies are unaware of any reason the operator would deviate from their current flight paths outside the ATMP boundary since the route has not been changed in the ATMP.</p>

Additional Technical Analysis

AIR QUALITY TECHNICAL ANALYSIS

Potential air quality impacts from proposed commercial air tour operations were estimated using an emissions inventory approach. Annual flight miles by aircraft type were calculated for the parks for which ATMPs are currently being developed and Badlands National Park (BADL) was found to have the highest annual flight miles (58,163 flight miles vs. 5,363 flight miles in Olympic National Park). BADL was thus considered the highest anticipated flight activity for parks which meet the National Ambient Air Quality Standards (i.e., attainment parks). The most common aircraft that fly commercial air tours in BADL are the Cessna 206 (fixed-wing) and Robinson R44 (helicopter) and can be considered representative of the types of fixed-wing and helicopter aircraft used for commercial air tours.

The FAA’s Aviation Environmental Design Tool (AEDT) version 3d was used to develop emission factors (pounds of emissions per mile flown) for these aircraft, which were derived from the Environmental Protection Agency’s (EPA) AP-42: Compilation of Emission Factors (United States Environmental Protection Agency, Office of Noise Abatement and Control, 1974). Although the AP-42 emission factors represent the best available data, they have not been updated since the 1990s and most aircraft engines in use today are likely to be cleaner due to less-polluting fuels and improvements in engine emissions controls. Therefore, these emission rates are considered a conservative estimate of emission rates for aircraft used in commercial air tours.

The maximum emissions (tons per year) were calculated for BADL by multiplying the total number of operations (by aircraft type), the longest route flown by each aircraft type within BADL and the ½-mile boundary outside of BADL, and the aircraft-specific emission factor. The sum of total emissions by aircraft type represents the maximum emissions conditions for BADL. BADL emissions results were compared with the EPA’s General Conformity *de minimis* thresholds for the most stringent⁵ nonattainment areas. Although BADL and other attainment parks are not subject to General Conformity Requirements, EPA’s General Conformity *de minimis* thresholds represent a surrogate for impacts to ambient air quality.

The NPS must also consider impacts to resources that are sensitive to air pollution under the NPS Organic Act mandates and the Clean Air Act (CAA). Such resources include (but are not limited to) sensitive vegetation, streams and lakes, aquatic biota, and visibility. These resources are typically referred to as Air Quality Related Values (AQRVs). Parks designated Class I areas under the CAA also receive an additional measure of protection under the CAA provisions. The CAA gives the NPS an “affirmative responsibility to protect the air quality related values (including visibility) of any such lands within a Class I area.”

Since emissions estimates for all pollutants in BADL are well below the *de minimis* levels (Table 2), and the Park will have a lower combination of proposed annual operations and route distances using similar fixed-wing aircraft, emissions in the Park will also not exceed *de minimis*. The most stringent *de minimis* emission thresholds for federal conformity determinations are sufficiently low relative to emission thresholds the NPS will use to determine whether additional air quality analysis is necessary under a NEPA analysis. Given this, and the fact that the maximum projected emissions from overflights in the Park are well below these *de minimis* levels (< 1 tons per year (TPY) for nitrogen oxides, particulate matter, and sulfur dioxide – criteria pollutants that have the most significant impact on AQRVs), it is expected that emissions from overflights in the Park under the ATMP will not meaningfully impact AQRVs, or local air quality, and will not have regional impacts from implementation of the ATMP in the Park.

Table 2. Comparison of the emissions inventory for proposed commercial air tours in BADL with *de minimis* thresholds for the most stringent non-attainment areas.

Pollutant	<i>de minimis</i> threshold (Tons per Year)	Emissions Inventory for BADL (Tons per Year)
Carbon Monoxide	100	73.11
Volatile Organic Compounds	10	0.61
Nitrogen Oxides	10	0.01
Particulate Matter, diam. < 2.5 µm	70	0.04
Particulate Matter, diam. < 10 µm	70	0.04
Lead	25	0.04
Sulfur Oxides	70	0.06
Carbon Dioxide	n/a	156.43

⁵ The most stringent non-attainment areas (i.e., lowest *de minimis* thresholds) are categorized as “extreme” for ozone (VOCs or NOx) and “serious” for particulate matter and sulfur dioxide.

NOISE TECHNICAL ANALYSIS

Indicators of acoustic conditions

There are numerous ways to measure the potential impacts of noise from commercial air tours on the acoustic environment of a park, including intensity, duration, and spatial footprint of the noise. The metrics and acoustical terminology used for the ATMP are shown in Table 3.

Table 3. Primary metrics used for the noise analysis.

Metric	Relevance and citation
Time Above 35 dBA ⁶	<p>The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 35 dBA)</p> <p>In quiet settings, outdoor sound levels exceeding 35 dB degrade experience in outdoor performance venues (American National Standards Institute (ANSI), 2007); Blood pressure increases in sleeping humans (Haralabidis et al., 2008); maximum background noise level inside classrooms (American National Standards Institute/Acoustical Society of America S12.60/Part 1-2010).</p>
Time Above 52 dBA	<p>The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 52 dBA)</p> <p>This metric represents the level at which one may reasonably expect interference with Park interpretive programs. At this background sound level (52 dB), normal voice communication at five meters (two people five meters apart), or a raised voice to an audience at ten meters would result in 95% sentence intelligibility (United States Environmental Protection Agency, Office of Noise Abatement and Control, 1974).</p>
Equivalent sound level, $L_{Aeq, 12\text{ hr}}$	<p>The logarithmic average of commercial air tour sound levels, in dBA, over a 12-hour day. The selected 12-hour period is 7 a.m. to 7 p.m. to represent typical daytime commercial air tour operating hours.</p>
Day-night average sound level, L_{dn} (or DNL)	<p>The logarithmic average of sound levels, in dBA, over a 24-hour day, DNL takes into account the increased sensitivity to noise at night by including a 10 dB penalty between 10 p.m. and 7 a.m. local time.</p> <p>For aviation noise analyses, the FAA (2015, Appendix. B, B-1) has determined that the cumulative noise energy exposure of individuals to noise resulting from aviation activities must be established in terms of DNL.</p> <p>Note: Both $L_{Aeq, 12\text{ hr}}$ and L_{dn} characterize:</p> <ul style="list-style-type: none"> • Increases in both the loudness and duration of noise events • The number of noise events during specific time period (12 hours for $L_{Aeq, 12\text{ hr}}$ and 24-hours for L_{dn}) <p>If there are no nighttime events, then $L_{Aeq, 12\text{ hr}}$ is arithmetically three dBA higher than L_{dn}.</p>

⁶ dBA (A-weighted decibels): Sound is measured on a logarithmic scale relative to the reference sound pressure for atmospheric sources, 20 μ Pa. The logarithmic scale is a useful way to express the wide range of sound pressures perceived by the human ear. Sound levels are reported in units of decibels (dB) (ANSI S1.1-1994, American National Standard Acoustical Terminology). A-weighting is applied to sound levels in order to account for the sensitivity of the human ear (ANSI S1.42-2001, Design Response of Weighting Networks for Acoustical Measurements). To approximate human hearing sensitivity, A-weighting discounts sounds below 1 kHz and above 6 kHz.

	The FAA’s (2015 Exhibit 4-1) indicators of significant impacts are for an action that would increase noise by DNL 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65 dB level due to a DNL 1.5 dB or greater increase, when compared to the no action alternative for the same timeframe.
Maximum sound level, L_{max}	The loudest sound level, in dBA, generated by the loudest event; it is event-based and is independent of the number of operations. L_{max} does not provide any context of frequency, duration, or timing of exposure.

ATMP as related to indicators

In order to provide a conservative evaluation of potential noise effects produced by commercial air tours under the ATMP, the CE analysis is based on a representation of a peak day⁷ of commercial air tour activity. For the busiest year of commercial air tour activity from 2017-2019 based on the total number of commercial air tour operations and total flight miles over the Park, the 90th percentile day was identified for representation of a peak day in terms of number of operations, and then further assessed for the type of aircraft and route flown to determine if it is a reasonable representation of the commercial air tour activity over the Park. For the Park, the 90th percentile day was identified as two flights on the route authorized by the ATMP (Air Tour #1).

Noise contours for the following acoustic indicators were developed using the FAA’s AEDT version 3d and are provided below. A noise contour presents a graphical illustration or “footprint” of the area potentially affected by the noise.

- Time above 35 dBA (minutes) – see Figure 1
- Time above 52 dBA (minutes) – see Figure 2
- Equivalent sound level, $L_{Aeq, 12hr}$
 - Note 1: Contours are not presented for $L_{Aeq, 12hr}$ as the average sound levels were below 35 dBA for the ATMP modeled for the Park.
 - Note 2: Contours are not presented for L_{dn} (or DNL) as it is arithmetically three dBA lower than $L_{Aeq, 12hr}$ if there are no nighttime events, which is the case for the ATMP modeled for the Park.
- Maximum sound level or L_{max} – see Figure 3

⁷ As required by FAA policy, the FAA typically represents yearly conditions as the Average Annual Day (AAD). However, because ATMP operations in the park occur at low annual operational levels and are highly seasonal in nature, the FAA determined that a peak day representation of the operations would more adequately allow for disclosure of any potential impacts. A peak day has therefore been used as a conservative representation of assessment of AAD conditions required by FAA policy.

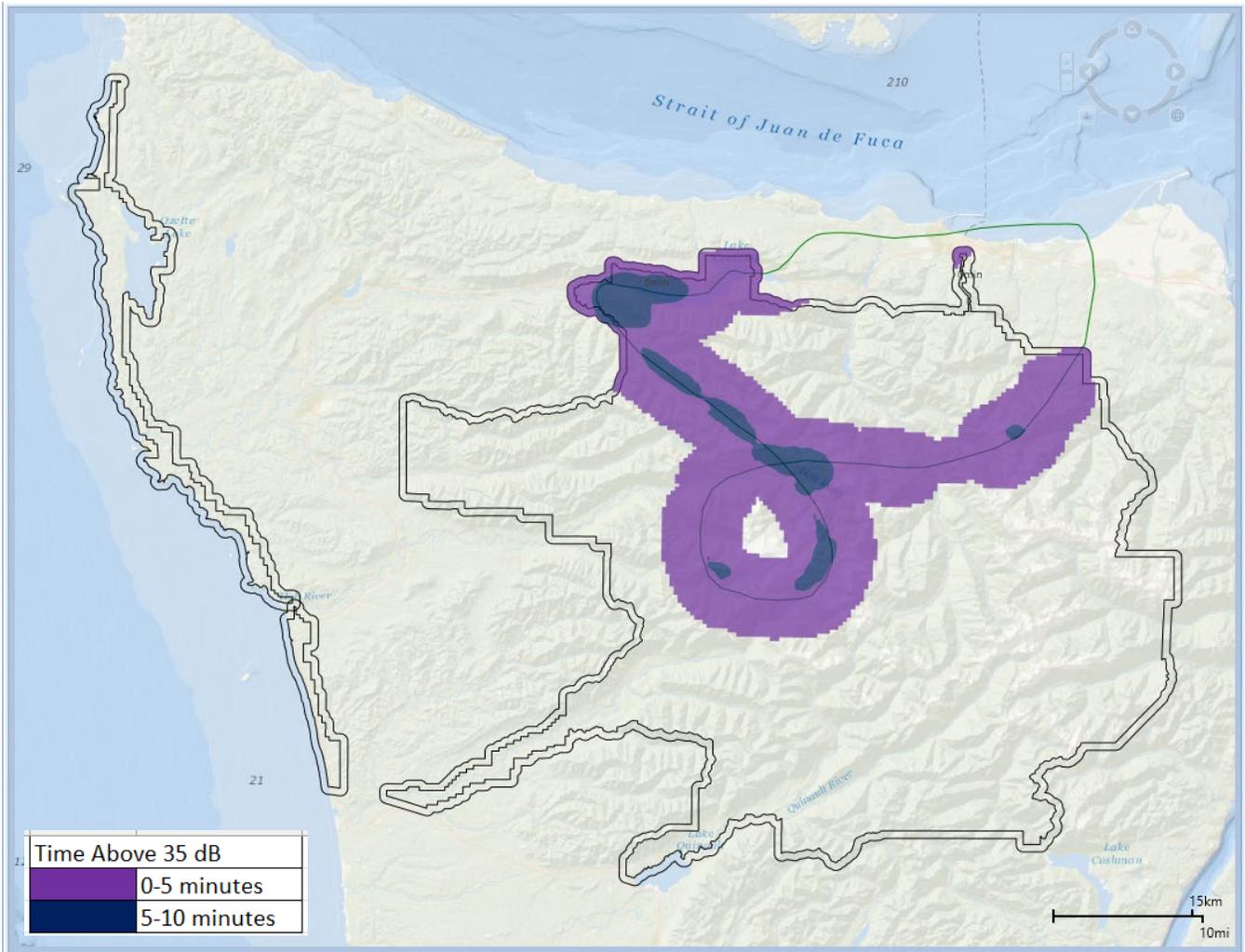


Figure 1. Noise contour results for Time Above 35 dBA

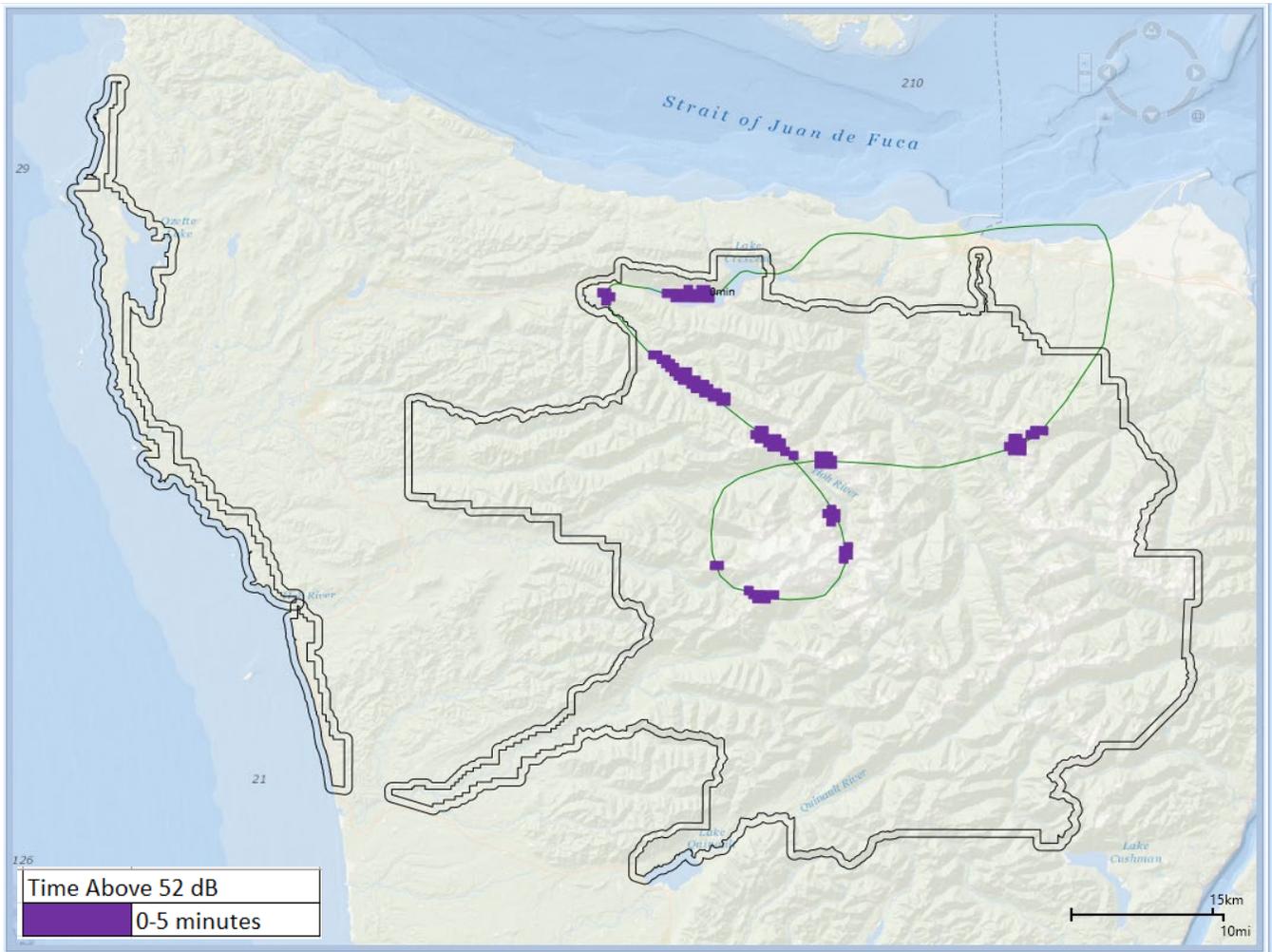


Figure 2. Noise contour results for Time Above 52 dBA

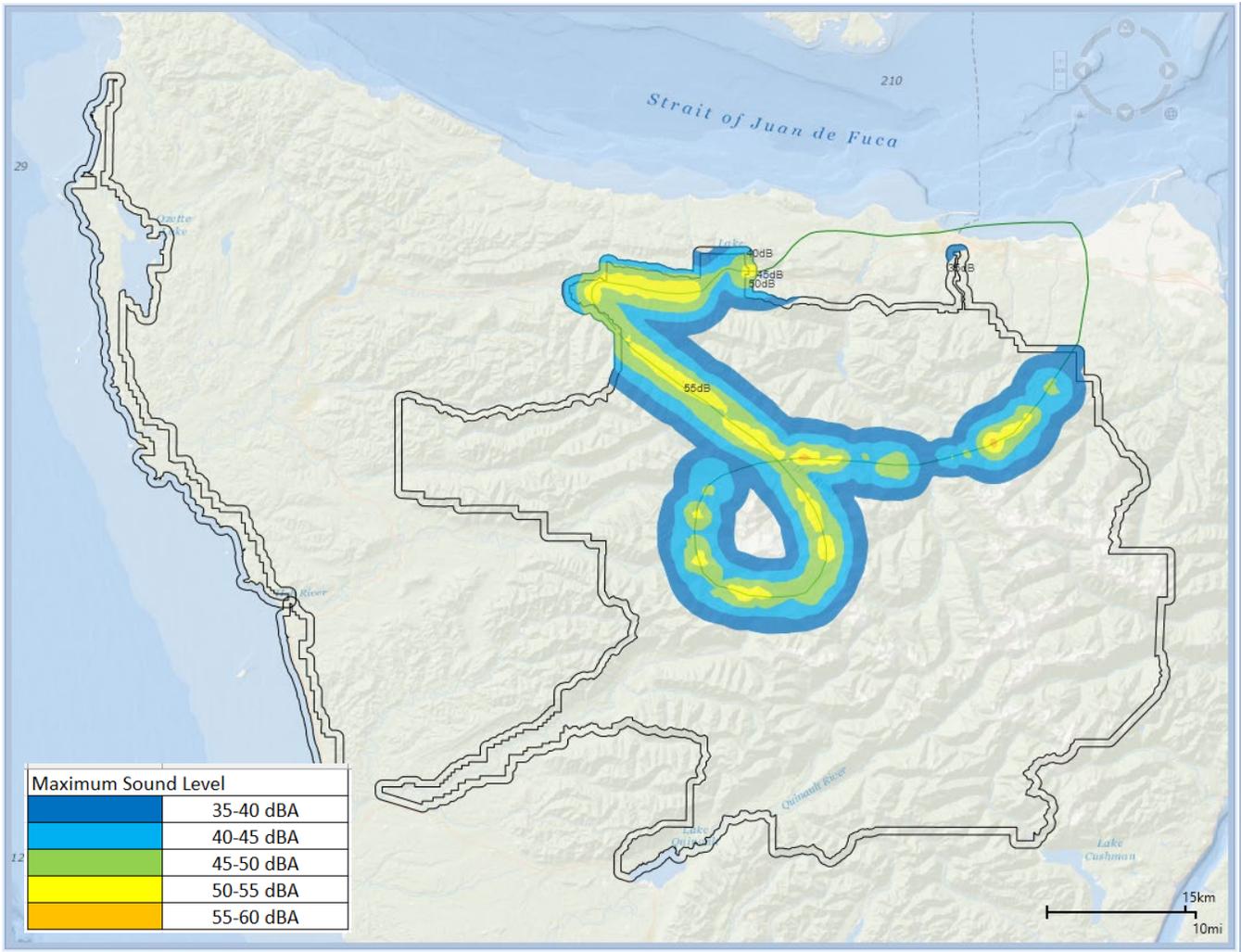


Figure 3. Noise contour results for L_{max}

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APPENDIX C

Categorical Exclusion Documentation Form



Categorical Exclusion Documentation Form (CE Form)

PROJECT INFORMATION

Project Title: Olympic National Park Air Tour Management Plan

PEPC Project Number: 103431

Project Type: Categorical Exclusion

Project Location: Jefferson County, Clallam County, Mason County, and Grays Harbor County, Washington

PROJECT DESCRIPTION

The proposed action is to implement an Air Tour Management Plan (ATMP) for Olympic National Park (the Park). The ATMP includes the following operating parameters to mitigate impacts from commercial air tours on Park resources. For a full discussion of the impacts of commercial air tours and how these operating parameters will maintain or reduce impacts to Park resources, see the *Environmental Screening Form (ESF)*.

Commercial Air Tour Authorizations

Under the ATMP, 64 commercial air tours are authorized per year. Table 1 identifies the operator authorized to conduct commercial air tours and annual flight allocations.

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

Air Tour Operator	Annual Operations	Daily Operations	Aircraft Type
Rite Bros Aviation, Inc.	64	No set limit	CE-172-K, CE-172-N, CE-206-TU206F, CE-206-U206A

Commercial Air Tours Route and Altitudes

Commercial air tours authorized under this ATMP shall be conducted on the route in Figure 1 below. Altitude expressed in units above ground level (AGL) is a measurement of the distance between the ground surface and the aircraft. Air tours will fly no lower than 2,000 feet (ft.) to 3,000 feet ft. AGL, depending on location, when over the Park or within ½ mile of the Park boundary, as depicted in Figure 1. Except in an emergency or to avoid unsafe conditions, or unless otherwise authorized for a specified purpose, the operator may not deviate from this route and designated altitudes.

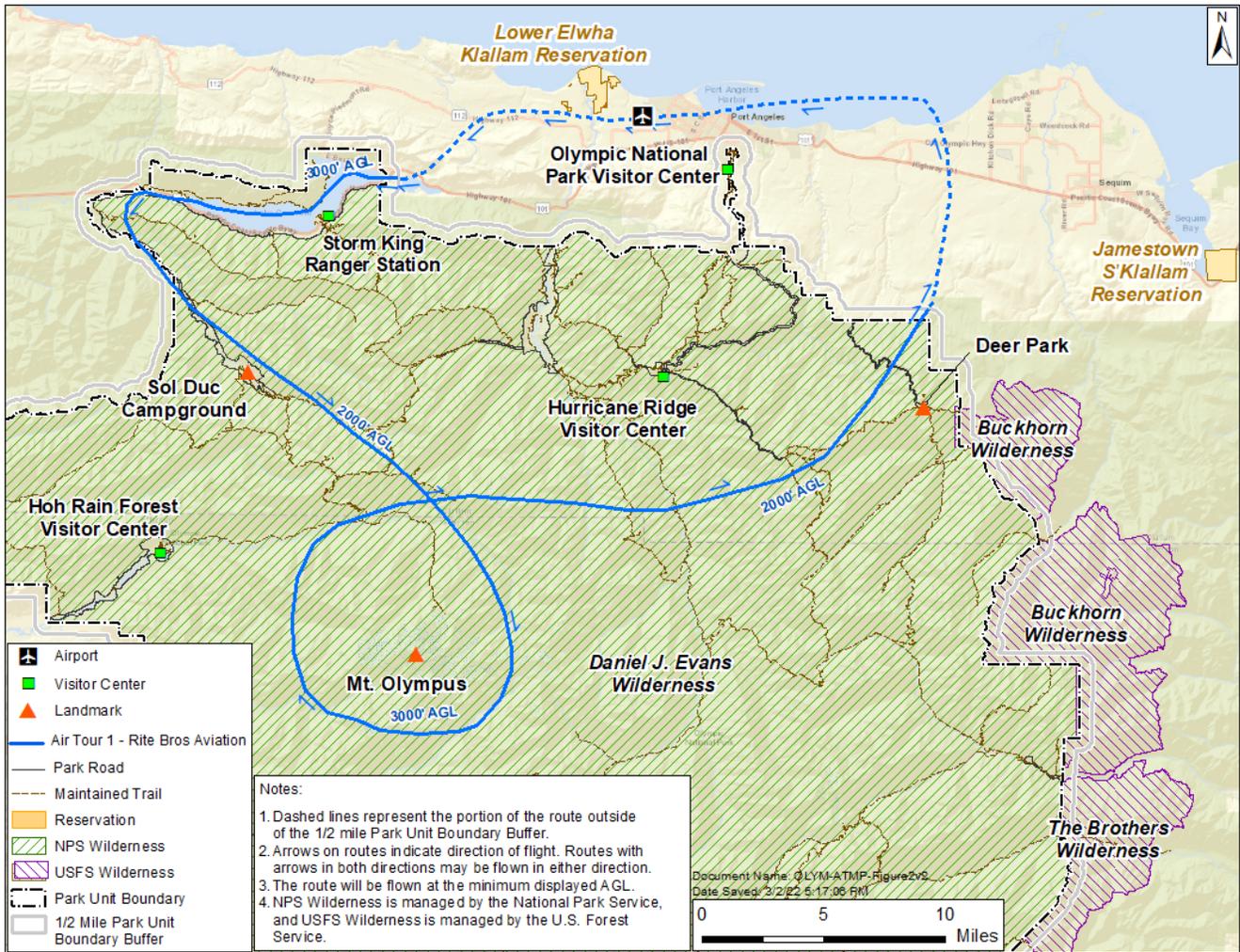


Figure 1. Commercial air tour route over the Park

Aircraft Type

The aircraft types authorized to be used for commercial air tours are identified in Table 1. Any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced. In addition to any other applicable notification requirements, the operator will notify the Federal Aviation Administration (FAA) and the NPS in writing of any prospective new or replacement aircraft and obtain concurrence before initiating air tours with the new or replacement aircraft.

Day/Time

Except as provided in the section below, “Quiet Technology Incentives,” commercial air tours may operate two hours after sunrise until two hours before sunset, as defined by the National Oceanic and Atmospheric Administration (NOAA).¹ Air tours may operate any day of the year, except under circumstances provided in the following section entitled, “Restrictions for Particular Events.”

¹ Sunrise and sunset data is available from the NOAA Solar Calculator, <https://www.esrl.noaa.gov/gmd/grad/solcalc/>

Restrictions for Particular Events

The NPS can establish temporary no-fly periods that apply to commercial air tours for special events or planned Park management. Absent exigent circumstances or emergency operations, the NPS will provide a minimum of 15 days written notice to the operator for any restrictions that temporarily restrict certain areas or certain times of day, or 60 days written notice to the operator in writing in advance of the no-fly period. Events may include tribal ceremonies or other similar events.

Quiet Technology Incentives

The ATMP incentivizes the use of quiet technology aircraft by commercial air tour operators. Operators that have converted to quiet technology aircraft, or are considering converting to quiet technology aircraft, may request to be allowed to conduct air tours beginning one hour after sunrise until one hour before sunset on all days that flights are authorized. Because aviation technology continues to evolve and advance and the FAA updates its noise certification standards periodically, the aircraft eligible for this incentive will be analyzed on a case-by-case basis at the time of the operator's request to be considered for this incentive. The NPS will periodically monitor Park conditions and coordinate with the FAA to assess the effectiveness of this incentive. If implementation of this incentive results in unanticipated effects on Park resources or visitor experience, further agency action may be required to ensure the protection of Park resources and visitor experience.

Additional ATMP Parameters

The following elements of the ATMP are not anticipated to have any environmental effects:

- *Compliance* – The NPS and the FAA are both responsible for the monitoring and oversight of the ATMP. To ensure compliance, operators are required to equip all aircraft used for air tours with flight monitoring technology, to use flight monitoring technology during all air tours under the ATMP, and to report flight monitoring data as an attachment to the operator's semi-annual reports.
- *Required Reporting* – The operator is required to submit to the FAA and the NPS semi-annual reports regarding the number of commercial air tours conducted over the Park or within ½ mile of its boundary and flight monitoring data.
- *Operator Training and Education* – When made available by Park staff, the operator/pilot will take at least one training course per year conducted by the NPS.
- *Annual Meeting* – At the request of either of the agencies, the Park staff, the FAA Flight Standards District Office (FSDO), and the operator will meet once per year to discuss the implementation of the ATMP and any amendments or other changes to the ATMP.
- *In-Flight Communication* – For situational awareness when conducting tours of the Park, the operator will utilize frequency 122.8 and report when they enter and depart a route. The pilot should identify their company, aircraft, and route to make any other aircraft in the vicinity aware of their position.
- *Non-transferability of Allocations*: Annual operations under the ATMP are non-transferable.

CE Citation

NPS National Environmental Policy Act (NEPA) Handbook 3.3 A1 (516 DM 12): Changes or amendments to an approved action when such changes will cause no or only minimal environmental impact.

CE Justification

In 2000, Congress passed the National Parks Air Tour Management Act (NPATMA). NPATMA required operators who wish to conduct commercial air tours over national parks to apply to the FAA for authority to conduct such tours. NPATMA provided for existing commercial air tour operations occurring at the time the law was enacted to continue until an ATMP for the Park was implemented by expressly requiring the FAA to grant interim operating authority (IOA) to existing operators, authorizing them to conduct, on an annual basis, “the greater of (i) the number of flights used by the operator to provide the commercial air tour operations within the 12-month period prior to the date of the enactment of the act, or (ii) the average number of flights per 12-month period used by the operator to provide such operations within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by

that 12-month period.”² Under NPATMA, the FAA was required to grant IOA for commercial air tours over the Park.³ IOA does not provide any operating conditions (e.g., route, altitudes, time of day, etc.) for commercial air tours other than an annual limit. In 2012, NPATMA was amended, requiring commercial air tour operators to report actual commercial air tours to the FAA and the NPS. IOA granted by the FAA consistent with NPATMA is the approved action for purposes of the CE, as it is a non-discretionary authorization directed by Congress.

One commercial air tour operator, Rite Bros Aviation, Inc., holds IOA to conduct a total of 76 commercial air tours over the Park each year. Based on the three-year average of reporting data from 2017 to 2019, the operator conducts an average of 64 commercial air tours over the Park each year. See Table 2, *Reported Commercial Air Tours from 2013-2020*. Reporting data from 2013 and 2014 are considered incomplete as reporting protocols were not fully in place at that time and likely do not reflect actual flights. The agencies consider the 2017-2019 three-year average, which is 64 commercial air tours, to be the existing commercial air tour operations for the purposes of understanding both the existing number of commercial air tour flights over the Park and impacts from that activity. Flight numbers from a single year were not chosen as the existing condition because the three-year average accounts for both variation across years and takes into account the most recent years prior to the COVID-19 pandemic. The 2020 COVID-19 pandemic resulted in atypical commercial air tour operations, which does not represent the conditions in a typical year. In addition, the year 2021 was not included because the planning and impact analysis for the ATMP occurred before 2021 reporting information was collected and analyzed. Although the approved action (IOA) allowed 76 flights per year, the current condition of Park resources and values reflects the impact of an average of 64 flights per year, which represents existing commercial air tour operations. The ATMP sets a maximum of 64 flights per year.

Rite Bros Aviation, Inc. conducts commercial air tours on a single route over the Park. Commercial air tours are conducted using CE-172-N, CE-172-K, CE-206-TU206F, and CE-206-U206A fixed-wing aircraft at a minimum altitude of 2,000 ft. to 3,000 ft. AGL, depending on location over the Park. Commercial air tours are typically conducted between the hours of 6:45 AM and 7:00 PM and occur on 49–52 days of the year between April and November. For the majority of those days, Rite Bros Aviation, Inc. has reported flying just one flight, though multiple flights on a single day have occasionally been reported.

The ATMP limits the number of commercial air tours that the operator is authorized to conduct over the Park or within ½ mile of its boundary to the existing three-year average of tours conducted from 2017-2019 (64 tours per year). The operator will be allowed to conduct commercial air tours on the existing route that the operator currently reports flying over the Park. The ATMP results in no change to the minimum altitudes that commercial air tours may fly over the Park (minimum 2,000 ft. to 3,000 ft. AGL, depending on location over the Park) (see Figure 1). The ATMP restricts the hours during which commercial air tours may be conducted over the Park, beginning two hours after sunrise until two hours before sunset, except as provided for quiet technology incentives. Although no time-of-day restrictions currently exist, reporting data indicates that 94% of commercial air tours are currently conducted within this window of time. The ATMP allows the Park to establish no-fly periods for special events or planned Park management.

² 49 U.S.C. § 40128(c)(2)(A)(i-ii)

³ Federal Register, Vol. 70, No. 194, October 7, 2005, page 58778

Table 2. Reported Commercial Air Tours from 2013-2020

Operator	Aircraft	IOA	2013	2014	2015	2016	2017	2018	2019	2020 ⁴
Rite Bros Aviation, Inc.	CE-172-N, CE-172-K, CE-206-TU206F, CE-206-U206A	76	29	28	19	35	68	64	60	55

Consistent with Council on Environmental Quality regulations, the baseline from which to measure environmental impacts of the ATMP is the current condition of the human environment. In this case, the baseline is the current condition of Park resources and values, as impacted by current commercial air tours flown under IOA (between 60 and 68 commercial air tours per year, or an average of 64 commercial air tours per year). Though IOA does not set a minimum altitude or set designated routes, the baseline also includes the route and altitude information provided by the operator in the fall of 2020, as well as timing and daily air tour information during the years of 2017-2019 as reported by the operator. Environmental impacts or effects are changes to the human environment (natural and physical) from the ATMP.⁵ Because the ATMP is very similar to existing commercial air tour operations and includes new operating parameters designed to improve resource protections and visitor experience, impacts resulting from effects of the ATMP will result in no or only minimal environmental impacts. Under the ATMP, the number of commercial air tours may not increase without an amendment to the ATMP, guaranteeing no greater impacts to the environment will occur without subsequent review consistent with NEPA. An amendment would also be required for a change in the routes beyond that permitted by adaptive management or where the impacts have been already analyzed by the agencies. In addition, the inclusion of mitigating elements, including altitude restrictions, time of day restrictions, and quiet aircraft technology incentives, will further reduce the impacts of commercial air tours under the ATMP, which will lead to beneficial impacts to the environment compared to current conditions. The use of CE 3.3 A1 is appropriate because environmental impacts resulting from the ATMP will result in no or only minimal changes to the current condition of Park resources, and values and impacts will be beneficial compared to current conditions.

Even if impacts of the ATMP were measured against the total number of commercial air tours authorized under IOA for the Park (though such a baseline does not reflect actual commercial air tours conducted over the Park as demonstrated by reported data and is not, therefore, an accurate depiction of the current condition of the human environment), impacts compared to current conditions will be beneficial because the ATMP will set the maximum number of commercial air tours at a level lower than the maximum number of commercial air tours authorized under IOA and includes mitigating elements noted above. Therefore, even if the analysis were approached from a baseline of IOA, the CE would still be an acceptable NEPA pathway since NEPA is primarily concerned with adverse impacts, not beneficial ones like those that will result from the ATMP. In conclusion, the use of this CE is justified because the changes to the approved action (IOA) from the implementation of the ATMP will result in no or only minimal environmental impacts. The use of the CE is consistent with NEPA.

⁴ Based on unpublished reporting data.

⁵ See 40 C.F.R § 1508.1(g).

Table 3. Extraordinary Circumstances

If implemented, would the proposal...	Yes/No	Notes
A. Have significant impacts on public health or safety?	No	Commercial air tours are subject to the FAA regulations for protecting individuals and property on the ground, and preventing collisions between aircraft, land or water vehicles, and airborne objects. The operator must continue to meet the FAA safety regulations. Therefore, health and safety impacts will not be significant.
B. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?	No	As noted above, the ATMP authorizes the same average number of flights that were flown from 2017-2019 on the same route. Therefore, there will be no or minimal change in the potential for adverse impacts compared to current conditions. The route restriction, minimum altitude requirement, and time of day restrictions further mitigate any potential adverse impacts and will ensure that no significant adverse environmental effects will occur and that impacts will be beneficial compared to current conditions. See <i>ESF</i> for a full description of the impacts considered.
C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?	No	There are no highly controversial environmental effects. Impacts from commercial air tours generally are understood from existing modeling and literature and can be accurately projected for Park resources. Information and models used to assess impacts for commercial air tours, as discussed in the <i>ESF</i> , are consistent with peer reviewed literature. Additionally, there are no unresolved conflicts over available resources. This extraordinary circumstance applies to the use or consumption of resources in a way that prohibits another use of the same resource. Commercial air tours do not consume NPS resources. The impacts from tours affect resources, but the resources remain present for others to enjoy or appreciate.
D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No	There are no highly uncertain impacts associated with commercial air tours over the Park. The significance of the environmental effects is to be measured by the change from current condition. As noted above, the ATMP authorizes the same average number of flights that were flown from 2017-2019 on the same route. Therefore, there will be no or minimal adverse impacts compared to current conditions. As also noted above, the route restriction, minimum altitude requirement, and time of day restrictions further mitigate any potential adverse impacts and will ensure that no significant adverse environmental effects will occur and that impacts will be beneficial compared to current conditions. See <i>ESF</i> for more information.

<p>E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?</p>	<p>No</p>	<p>The ATMP will not make any decisions in principle about future actions or set a precedent for future action. The NPS and the FAA may choose to amend the ATMP at any time consistent with NPATMA.</p>
<p>F. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?</p>		<p>The FAA and the NPS qualitatively considered the cumulative impacts of commercial air tours along with impacts from existing activities described in the ESF. In some cases, the noise contribution from other sources may be substantial, such as military overflights, high altitude jets, or roadway traffic. In those cases, the addition of air tour noise is such a small contribution of noise overall that it is unlikely they would result in noticeable or meaningful change to the overall acoustic environment. Commercial air tours over roadways are likely to be masked by existing noise and therefore the impacts would be de minimis. Finally, the ATMP does not add new noise to the existing acoustic environment, and visual impacts associated with aircraft are most noticeable because of noise and have been found to be not significant. Therefore, when considering other sources of noise in the Park that are likely to continue under the ATMP, the continuation of 64 commercial air tours will result in no or only minimal change to the current condition of the visual or auditory landscape at the Park, and no significant cumulative environmental impacts are likely to result from the ATMP. See <i>ESF</i> for more information.</p>
<p>G. Have significant impacts on properties listed or eligible for listing in the National Register of Historic Places, as determined by either the bureau or office?</p>	<p>No</p>	<p>As noted above, the ATMP authorizes the same number of flights as the average number that was flown from 2017-2019 on the same route. Therefore, there will be no or minimal change in the potential for impacts compared to current condition. The route restriction, minimum altitude requirement, and time of day restrictions further mitigate any potential adverse impacts, and will ensure that no significant adverse environmental effects will occur and that impacts will be beneficial compared to current conditions.</p> <p>The authorized level of commercial air tours is not anticipated to adversely affect properties eligible for listing in the National Register of Historic Places. The agencies have consulted with the State Historic Preservation Office, Tribal Historic Preservation Offices, Federally recognized tribes and other consulting parties to reach this determination pursuant to 36 CFR § 800. The agencies have subsequently concluded that, under Section 106 of the National Historic Preservation Act, there will be no adverse effects to historic properties from this undertaking. See <i>ESF</i> for more information.</p>
<p>H. Have significant impacts on species listed or proposed to be listed on the List of Endangered</p>	<p>No</p>	<p>As noted above, the ATMP authorizes the average number of flights that were flown from 2017-2019 on</p>

or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		the same route. Therefore, there will be no or minimal change in the potential for impacts compared to current conditions. The route restriction, minimum altitude requirement, and time of day restrictions further mitigate any potential adverse impacts, and will ensure that no significant adverse environmental effects will occur and that impacts will be beneficial compared to current conditions. The NPS has determined the ATMP would have <i>No Effect</i> on the marbled murrelet and northern spotted owl. Therefore, there is no potential for significant impacts to any listed species associated with the commercial air tour activity proposed in the ATMP. See <i>ESF</i> for more information.
I. Violate a federal, state, local or tribal law or requirement imposed for the protection of the environment?	No	The ATMP will comply with all applicable federal, state, local and tribal laws. See <i>ESF</i> for more information.
J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	No	The ATMP will not have a disproportionate effect on low income or minority populations. See <i>ESF</i> for more information.
K. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (Executive Order 130007)?	No	The ATMP will not limit access to, or change ceremonial use of, Indian sacred sites on federal lands in any way. Sacred ceremonies or other Tribal activities, which occur without notice to the NPS, may be interrupted by noise; however, air tours have no effect on Tribal access. Additionally, the ATMP does not involve any ground disturbing or other activities that would adversely affect the physical integrity of sacred sites. See <i>ESF</i> for more information.
L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?	No	The ATMP does not involve any ground disturbance or other activities with the potential to contribute to the introduction, continued existence, spread, growth, or expansion of invasive or exotic species in the Park.

Decision

I find that the action fits within the categorical exclusion above. Therefore, I am categorically excluding the described project from further NEPA analysis. No extraordinary circumstances apply.

Signature

MICHAEL
GAUTHIER

Digitally signed by MICHAEL
GAUTHIER
Date: 2022.07.11 09:56:53 -07'00'

Mike Gauthier
Acting Superintendent
Olympic National Park
National Park Service

Date

APPENDIX D

FAA Categorical Exclusion Adoption



Federal Aviation Administration

Adoption of the Categorical Exclusion Determination by the National Park Service for the Olympic National Park Air Tour Management Plan.

The National Parks Air Tour Management Act (NPATMA) requires that all commercial air tour operators conducting or intending to conduct a commercial air tour operation over a unit of the National Park System apply to the Federal Aviation Administration (FAA) for authority to undertake such activity. 49 U.S.C. § 40128(a)(2)(A). NPATMA, as amended, further requires the FAA, in cooperation with the National Park Service (NPS), to establish an Air Tour Management Plan (ATMP) or voluntary agreement for each park that did not have such a plan or agreement in place at the time the applications were made, unless a park has been otherwise exempted from this requirement. 49 U.S.C. § 40128(b)(1)(A).

The FAA and the NPS are proposing to implement the ATMP for Olympic National Park (Park), in accordance with NPATMA, as amended, its implementing regulations (14 Code of Federal Regulations (CFR) Part 136), and all other applicable laws and policies. This document memorializes the FAA's adoption of the NPS determination that its categorical exclusion (CATEX) covers the scope of its proposed action.

1. Regulatory Framework

The Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA), 40 CFR Parts 1500-1508, require an agency wishing to apply a CATEX identified in its agency NEPA procedures to first make a determination that the CATEX covers the proposed action and to "evaluate the action for extraordinary circumstances in which a normally excluded action may have a significant effect." 40 CFR § 1501.4(b). If the agency determines that no extraordinary circumstances exist or that "there are circumstances that lessen the impacts or other conditions sufficient to avoid significant effects," the agency may categorically exclude the proposed action. 40 CFR §1501.4(b)(1).

Section 1506.3(a) of the CEQ regulations authorizes agencies to adopt other agencies' NEPA documents under certain conditions, while section 1506.3(d) of the regulations applies specifically to the adoption of other agencies' CATEX determinations and reads as follows:

An agency may adopt another agency's determination that a categorical exclusion applies to a proposed action if the action covered by the original categorical exclusion determination and the adopting agency's proposed action are substantially the same. The agency shall document the adoption.

40 CFR § 1506.3(d). This document has been prepared to comply with that Regulation.

2. The NPS's Proposed Action

The NPS's proposed action is to implement an ATMP for the Park. The ATMP includes operating parameters to mitigate impacts from commercial air tours on Park resources, which are described in the NPS Categorical Exclusion Documentation Form attached to the Record of Decision (ROD) as Appendix C.

3. FAA's Proposed Action

Like the NPS, the FAA's Proposed Action is to implement the ATMP for the Park subject to the operating parameters described in the NPS Categorical Exclusion Documentation Form (see Appendix C of the ROD). In addition, the FAA will update the operations specifications (OpSpecs) for the air tour operator to incorporate the terms and conditions of the ATMP accordingly.

4. Scope of Applicable CATEX and the NPS Extraordinary Circumstances Analysis

For its proposed action, the NPS has applied the Categorical Exclusion from the NPS NEPA Handbook 3.3 A1 (516 DM 12): "Changes or amendments to an approved action when such changes will cause no or only minimal environmental impact."

Per 40 CFR § 1501.4(b), an agency must first determine that the categorical exclusion identified in its agency NEPA procedures covers the proposed action. In this case, the NPS states as follows:

In 2000, Congress passed the National Parks Air Tour Management Act (NPATMA). NPATMA required operators who wish to conduct commercial air tours over national parks to apply to the FAA for authority to conduct such tours. NPATMA provided for existing commercial air tour operations occurring at the time the law was enacted to continue until an ATMP for the Park was implemented by expressly requiring the FAA to grant interim operating authority (IOA) to existing operators, authorizing them to conduct, on an annual basis, "the greater of (i) the number of flights used by the operator to provide the commercial air tour operations within the 12-month period prior to the date of the enactment of the act, or (ii) the average number of flights per 12-month period used by the operator to provide such operations within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period." Under NPATMA, the FAA issued IOA for commercial air tours over the Park. IOA does not provide any operating conditions (e.g., route, altitudes, time of day, etc.) for commercial air tours other than an annual limit. In 2012, NPATMA was amended, requiring commercial air tour operators to report actual commercial air tours to the FAA and the NPS. IOA issued by the FAA consistent with NPATMA is the approved action for purposes of the CE, as it is a non-discretionary authorization directed by Congress.

...The use of CE 3.3 A1 is appropriate because environmental impacts resulting from the ATMP will result in no or only minimal changes to the current condition of Park resources and values and impacts will be beneficial compared to current conditions.

For a complete discussion of the NPS's justification for using the above-noted CE, *see* the NPS's Categorical Exclusion Documentation Form, attached to the ROD as Appendix C.

Section 1501.4(b) of the CEQ regulations requires an agency seeking to categorically exclude a proposed action to "evaluate the action for extraordinary circumstances in which a normally excluded action may have a significant effect." The NPS confirms it has performed an appropriate extraordinary

circumstances analysis. *See* the NPS’s Categorical Exclusion Documentation Form, attached to the ROD as Appendix C, and the NPS’s Environmental Screening Form, attached to the ROD as Appendix B.

5. FAA’s “Substantially the Same Action” Determination

As noted above, the CEQ Regulations provide that an agency “may adopt another agency’s determination that a categorical exclusion applies to a proposed action **if the action covered by the original categorical exclusion determination and the adopting agency’s proposed action are substantially the same.**” 40 CFR § 1506.3(d) (emphasis added). Thus, in order to adopt the NPS’s CATEX determination, the FAA must conclude that its proposed action and the NPS’s Proposed Action are “substantially the same.”

In the preamble to the final amended regulations, CEQ stated:

The final rule provides agencies the flexibility to adopt another agency’s determination that a [CATEX] applies to an action when the actions are substantially the same to address situations where a proposed action would result in a [CATEX] determination by one agency and an EA and FONSI by another agency.

85 Fed. Reg. 43304, 43336 (July 16, 2020).

In this case, the FAA has been directed by Congress to implement an ATMP for the Park in cooperation with the NPS. The proposed action is an action to be taken jointly by both agencies, as NPATMA requires. Therefore, the proposed actions of the agencies are necessarily substantially the same and any reasonably foreseeable changes to the human environment arising from the NPS’s implementation of the proposed action are identical to those that would arise from the FAA’s proposed action. While the FAA’s action also includes updating the operator’s OpSpecs, the update would simply further require the operator to comply with the terms and conditions contained in the ATMP and would not result in any impacts beyond those that could result from implementation of the ATMP itself. Accordingly, the FAA determines that the NPS’s Proposed Action and FAA’s Proposed Action are substantially the same.¹

6. FAA’s Extraordinary Circumstances Analysis

Extraordinary circumstances are factors or circumstances in which a normally categorically excluded action may have a significant environmental impact that then requires further analysis in an EA or an EIS. For FAA proposed actions, extraordinary circumstances exist when the proposed action: (1) involves any of the circumstances described in paragraph 5-2 of FAA Order 1050.1F; and (2) may have a significant impact. *See* FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, section 5-2.

The most potentially relevant circumstances listed in paragraph 5-2 of FAA Order 1050.1F are as follows:²

¹ Updating the operator’s OpSpecs is also independently subject to an FAA CATEX covering “Operating specifications and amendments that do not significantly change the operating environment of the airport.” FAA Order 1050.1F, § 5-6.2(d).

² Section 5-2(b)(10) of FAA Order 1050.1F includes a circumstance reading “[i]mpacts on the quality of the human environment that are likely to be highly controversial on environmental grounds” and explains that “[t]he term ‘highly controversial on environmental grounds’ means there is a substantial dispute involving reasonable disagreement over the degree, extent, or nature of a proposed action’s environmental impacts or over the action’s

- An adverse effect on cultural resources protected under the National Historic Preservation Act (*see* ROD Appendix F);
- An impact on properties protected under Section 4(f) of the Department of Transportation Act;
- An impact on natural, ecological, or scenic resources of Federal, state, tribal, or local significance (e.g., federally listed or proposed endangered, threatened, or candidate species, or designated or proposed critical habitat under the Endangered Species Act) (*see* ROD Appendix E);
- An impact on national marine sanctuaries or wilderness areas;
- An impact to noise levels at noise sensitive areas;
- An impact on air quality or violation of Federal, state, tribal, or local air quality standards under the Clean Air Act; and
- An impact on the visual nature of surrounding land uses.

In support of this adoption, the FAA performed its own extraordinary circumstances analysis to ensure that a CATEX was the appropriate level of environmental review and adoption of the NPS’s CATEX determination was permissible. The FAA evaluated each of its extraordinary circumstances to determine if any would have the potential for significant impacts and determined that no extraordinary circumstances exist. *See* Documentation of FAA’s Extraordinary Circumstances Analysis for the Park, attached as Exhibit 1.

7. Section 4(f) of the Department of Transportation Act

Section 4(f) of the Department of Transportation Act (codified at 49 U.S.C. § 303(c)), states that, subject to exceptions for *de minimis* impacts:

... the Secretary may approve a transportation program or project...requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if –

1. There is no prudent and feasible alternative to using that land; and
2. The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

The term “use” refers to both direct (physical) and indirect (constructive) impacts to Section 4(f) resources. A physical use involves the physical occupation or alteration of a Section 4(f) resource, while constructive use occurs when a proposed action results in substantial impairment of a resource to the degree that the activities, features, or attributes of the resource that contribute to its significance or enjoyment are substantially diminished. Under the ATMP, potential impacts to Section 4(f) resources from commercial air tours may include noise from aircraft within the acoustic environment, as well as visual impacts.

risks of causing environmental harm. Mere opposition is not sufficient for a proposed action or its impacts to be considered highly controversial on environmental grounds.” The 2020 updates to the CEQ regulations eliminated the “intensity” factor on which this circumstance is based. The FAA nevertheless considered this factor in its extraordinary circumstances analysis for disclosure purposes and to the extent relevant.

To comply with Section 4(f) and as part of its extraordinary circumstances analysis, the FAA prepared a 4(f) analysis, which is attached as Exhibit 2, and determined that there would be no use of any 4(f) resource associated with the implementation of the proposed action. As part of this analysis, the FAA consulted with Officials with Jurisdiction of 4(f) resources in the study area. Further information about those consultations are included in Exhibit 2.

8. Attachments:

The FAA prepared this document on review and contemplation of the documents appended to the ROD in addition to the following documents, which are attached hereto:

- Exhibit 1: Documentation of FAA Extraordinary Circumstances Analysis
- Exhibit 2: FAA Section 4(f) Analysis for Olympic National Park

9. Adoption Statement

In accordance with 40 CFR § 1506.3(d), the FAA hereby finds that the NPS's and FAA's proposed actions are substantially the same, that no extraordinary circumstances exist, and that adoption of the NPS's CATEX determination is otherwise appropriate. Accordingly, the FAA hereby adopts the NPS's CATEX determination.

Approved: **GRADY B STONE** Digitally signed by GRADY B STONE
Date: 2022.07.13 11:03:30 -07'00'

Date: _____

Grady Stone, Regional Administrator
Northwest Mountain Region
Federal Aviation Administration

EXHIBIT 1

Documentation of FAA Extraordinary Circumstances Analysis

**The FAA’s Extraordinary Circumstance Analysis
For Olympic National Park ATMP**

Extraordinary Circumstance	Yes	No	Notes
1. Is the action likely to have an adverse effect on cultural resources protected under the National Historic Preservation Act of 1966, as amended?		✓	The FAA and the NPS consulted with the Washington State Historic Preservation Office, Native American tribes, and other consulting parties on the potential impacts of the ATMP on Historic Properties, including cultural landscapes. That consultation process led to a finding that the ATMP will have no adverse effect on historic properties. See Section 106 documentation for more information.
2. Is the action likely to have an impact on properties protected under Section 4(f) of the Department of Transportation Act?		✓	The ATMP limits the number of commercial air tours to 64 tours per year and maintains the same route as is currently flown under existing conditions. Overall, noise impacts associated with commercial air tours over the Park are not expected to measurably change, since the ATMP authorizes the same number of annual flights as the average number of flights from 2017-2019 and requires commercial air tours to maintain the same route and altitudes flown under existing conditions. Refer to the Noise Technical Analysis. For purposes of assessing noise impacts from commercial air tours on the acoustic environment of the Park under the National Environmental Policy Act (NEPA), the FAA noise evaluation is based on Yearly ¹ Day Night Average Sound Level (Ldn or DNL); the cumulative noise energy exposure from aircraft over 24 hours. The DNL analysis indicates that the ATMP will not result in any noise impacts that would be “significant” or “reportable” under the FAA’s policy for NEPA. In addition, visual impacts to Section 4(f) resources will be similar to impacts currently occurring because the number of authorized flights under the ATMP will be the same as the average number of flights from 2017-2019, and the route will remain the same as compared to existing conditions. After consulting with officials with jurisdiction over appropriate Section 4(f) resources, the FAA has determined that the ATMP will not result in substantial impairment of Section 4(f) resources; therefore, no constructive use of a Section 4(f) resource associated with the ATMP will occur. See Section 4(f) analysis.
3. Is the action likely to have an impact on natural,		✓	The ATMP limits the number of commercial air tours to 64 tours per year and maintains the same route as is currently

¹ As required by FAA policy, the FAA typically represents yearly conditions as the Average Annual Day (AAD). However, because ATMP operations in the park occur at low annual operational levels and are highly seasonal in nature, the FAA determined that a peak day representation of the operations would more adequately allow for disclosure of any potential impacts. A peak day has therefore been used as a conservative representation of assessment of AAD conditions required by FAA policy.

Extraordinary Circumstance	Yes	No	Notes
ecological, or scenic resources of Federal, state, tribal or local significance?			<p>flown under existing conditions. Therefore, impacts to viewsheds will be similar to impacts currently occurring because the number of authorized flights under the ATMP will be the same as the average number of flights from 2017-2019, and the route will remain the same as compared to existing conditions. Therefore, the ATMP will not impact scenic resources.</p> <p>The FAA and the NPS determined the ATMP will result in <i>No Effect</i> to Federally listed species or critical habitat. See No Effect determination memo.</p>
4. Is this action likely to have an impact on the following resources:			
Resources protected by the Fish and Wildlife Coordination Act		✓	The ATMP will not result in the control or modification of a natural stream or body of water. Therefore, no resources protected by the Fish and Wildlife Coordination Act will be impacted.
Wetlands		✓	While wetlands are present within the project area, the ATMP will not result in ground disturbance or fill. Therefore, no impacts to wetlands will occur.
Floodplains		✓	While floodplains are present within the project area, the ATMP will not result in ground disturbance or fill. Therefore, no impacts to floodplains will occur.
Coastal zones		✓	The ATMP will not directly, indirectly, or cumulatively affect any natural resources, land uses, or water uses in the Park's coastal zone. The ATMP ensures flights occur at specific elevations, which are high enough that they will have no effect on coastal-related resources, the number of tours to only 64 per year, and the required flight path is over the Park and not the coastal zone areas. Therefore, no impacts to coastal zones will occur.
National marine sanctuaries		✓	The area adjacent to the ATMP boundary is protected by the National Oceanic and Atmospheric Administration's Olympic Coast National Marine Sanctuary. To protect seabirds and marine mammals, Federal Regulations prohibit disturbing wildlife in the sanctuary by operating aircraft below 2,000 ft. above ground level (AGL), within one nautical mile of the coast and offshore rocks and islands. The minimum altitude of 2,000-3,000 ft. AGL is consistent with the avoidance recommendations for the NOAA Olympic Coast National Marine Sanctuary and the route is approximately 20 miles from this area. These mitigations, applied to the flights authorized under the ATMP, will result in air tours having no effect on the Olympic Coast National Marine Sanctuary.

Extraordinary Circumstance	Yes	No	Notes
Wilderness areas		✓	Approximately 95% of the Olympic National Park is designated wilderness. Because commercial air tours do not land in wilderness or parks, the undeveloped quality of wilderness will be maintained. Because the ATMP authorizes the same number of commercial air tours as the average number of flights from 2017-2019, and the same route will be used, impacts to solitude and the natural quality of wilderness character will be similar or decrease compared to impacts currently occurring.
National Resource Conservation Service-designated prime and unique farmlands		✓	The ATMP will not result in ground disturbance. Therefore, the project will not impact designated prime and unique farmlands.
Energy supply and natural resources		✓	The ATMP will not affect energy supplies or natural resources.
Resources protected under the Wild and Scenic Rivers Act and rivers, or river segments listed on the Nationwide Rivers Inventory (NRI)		✓	No designated wild and scenic rivers are located within the Park. However, 20 of the Park's waterways are listed on the Nationwide Rivers Inventory (NRI) as eligible for Wild and Scenic River designation. Additionally, Congressman Kilmer has introduced the Wild Olympics legislation, which would designate all 20 of the Park's rivers that are listed on the NRI. The ATMP will not result in ground disturbance or physical impacts to waterways. Therefore, the ATMP will not impact waterways potentially eligible for Wild and Scenic River designation.
Solid waste management		✓	The ATMP will not result in the generation of solid waste, construction, or demolition debris.
5. Is the action likely to cause a division or disruption of an established community, or a disruption of orderly, planned development, or an inconsistency with community plans or goals?		✓	The ATMP will not disrupt communities or development plans or goals.
6. Is the action likely to cause an increase in surface transportation congestion?		✓	The ATMP will not cause an increase in surface transportation congestion.
7. Is the action likely to have an impact on noise levels in noise-sensitive areas?		✓	Overall, noise impacts associated with commercial air tours over the Park are not expected to measurably change, since the ATMP authorizes the same number of annual flights as the average number of flights from 2017-2019 and requires commercial air tours to maintain the same route and altitudes flown under existing conditions. Refer to the Noise Technical Analysis in the ESF. For purposes of

Extraordinary Circumstance	Yes	No	Notes
			assessing noise impacts from commercial air tours on the acoustic environment of the Park under NEPA, the FAA noise evaluation is based on Yearly Day Night Average Sound Level (Ldn or DNL), the cumulative noise energy exposure from aircraft over 24 hours. The DNL analysis indicates that the undertaking will not result in any noise impacts that would be “significant” or “reportable” as defined in FAA Order 1050.1F.
8. Is the action likely to have an impact on air quality or violate Federal, state, tribal, or local air quality standards under the Clean Air Act?		✓	The findings from the air quality screening analysis demonstrate that implementing the ATMP will not meaningfully impact local air quality and will not have regional impacts from implementation of the ATMP in the Park. See Air Quality Technical Analysis in the ESF.
9. Is the action likely to have an impact on water quality, aquifers, public water supply systems, or state or tribal water quality standards under the Clean Water Act or the Safe Drinking Water Act?		✓	The ATMP will not result in ground disturbance or other activities that will impact water quality, aquifers, public water supply systems, or water quality standards under the Clean Water Act or Safe Drinking Water Act.
10. Is the action likely to be highly controversial on environmental grounds?		✓	There are no highly controversial environmental effects. The term “highly controversial on environmental grounds” means there is a substantial dispute involving reasonable disagreement over the degree, extent, or nature of a proposed action’s environmental impacts or over the action’s risks of causing environmental harm. Mere opposition is not sufficient for a proposed action or its impacts to be considered highly controversial on environmental grounds. See FAA Order 1050.1F 5-2(b)(10) ² . Impacts from commercial air tours generally are understood from existing modeling and literature and can be accurately projected for Park resources. Information and models used to assess impacts for commercial air tours, as discussed in the NPS CE/ESF, is consistent with peer reviewed literature. Therefore, the ATMP will not result in substantial dispute involving reasonable disagreement over the degree, extent, or nature of the environmental impacts or the risk of causing environmental harm.

² The 2020 updates to the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA eliminated the “intensity” factor on which this circumstance is based. It is nevertheless included for disclosure purposes and to the extent relevant.

Extraordinary Circumstance	Yes	No	Notes
11. Is the action likely to be inconsistent with any Federal, State, Tribal, or local law relating to the environmental aspects of the project?		✓	The ATMP will be consistent with all applicable Federal, State, Tribal, and local law.
12. Is the action likely to directly, indirectly, or cumulatively create a significant impact on the human environment?		✓	The FAA and NPS qualitatively considered the cumulative impacts of commercial air tours along with impacts from existing activities described in the NPS CE/ESF. In some cases, the noise contribution from other sources may be substantial, such as military overflights. In those cases, the addition of air tour noise is such a small contribution of noise overall that it is unlikely they would result in noticeable or meaningful change in the acoustic environment. Commercial air tours over roadways or heavily used motorized waterways are likely to be masked by existing noise and therefore the impacts would be de minimis. Finally, the ATMP does not add new noise to the existing acoustic environment. Therefore, when considering other sources of noise in the Park that are likely to continue under the ATMP, the continuation of 64 commercial air tours per year will not result in a meaningful change to the current condition of the visual or auditory landscape at the Park.
<p><i>*Extraordinary circumstances exist when the proposed action (1) involves any of the listed circumstances, and (2) may have significant impacts (FAA Order 1050.1F para. 5-2 and 40 CFR § 1508.4). See also FAA Order 1050.1F Desk Reference for a more detailed description of the analysis for each extraordinary circumstance.</i></p>			

EXHIBIT 2

FAA Section 4(f) Analysis for Olympic National Park

Section 4(f) Analysis in FAA Adoption Document

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Introduction

The Federal Aviation Administration (FAA) prepared this document to analyze and evaluate the Proposed Action’s potential impacts to resources protected under Section 4(f) of the U.S. Department of Transportation Act (Section 4(f)). The Proposed Action is to implement an Air Tour Management Plan (ATMP) at Olympic National Park (the Park). As land acquisition, construction, or other ground disturbance activities would not occur under the ATMP, the Proposed Action would not have the potential to cause a direct impact to a Section 4(f) resource. Therefore, analysis of potential impacts to Section 4(f) resources is limited to identifying impacts that could result in a constructive use. Section 4(f) is applicable to historic sites and publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance that may be impacted by transportation programs or projects carried out by the U.S. Department of Transportation (USDOT) and its operating administrations, including the FAA.

This document describes Section 4(f) regulations and requirements, the study area for Section 4(f), the process used to identify Section 4(f) resources in the study area, and consideration of potential impacts that could result in substantial impairment to Section 4(f) resources in the study area.

Regulatory Context

Section 4(f) of the Department of Transportation Act (codified at 49 U.S.C. § 303(c)), states that, subject to exceptions for *de minimis* impacts:

... the Secretary may approve a transportation program or project...requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if –

1. There is no prudent and feasible alternative to using that land; and
2. The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

The term “use” refers to both direct (physical) and indirect (constructive) impacts to Section 4(f) resources. A physical use involves the physical occupation or alteration of a Section 4(f) resource, while constructive use occurs when a proposed action results in substantial impairment of a resource to the degree that the activities, features, or attributes of the resource that contribute to its significance or enjoyment are substantially diminished. Under the ATMP, potential impacts to Section 4(f) resources from commercial air tours may include noise from aircraft within the acoustic environment, as well as visual impacts.

The FAA uses procedures in FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*¹ for meeting Section 4(f) requirements. Federal Highway Administration/Federal Transit Administration regulations and policy are not binding on the FAA; however, the FAA may use them as guidance to the extent relevant to aviation projects.² The FAA requires consideration of noise impacts for proposed changes in air traffic procedures or airspace redesign across a study area which may extend vertically from the surface to 10,000 feet above ground level (AGL).³ The land use compatibility guidelines in 14 CFR Part 150 assist with determining whether a proposed action would constructively use a Section 4(f) resource. These guidelines rely on the Day Night Average Sound level (DNL), which is considered the best measure of impacts to the quality of the human environment from exposure to noise.

The FAA acknowledges that the land use categories in 14 CFR Part 150 may not be sufficient to determine the noise compatibility of Section 4(f) properties (including, but not limited to, noise sensitive areas within national parks and wildlife refuges), where a quiet setting is a generally recognized purpose and attribute. The FAA has consulted with the National Park Service (NPS) and included supplemental noise metrics in the Section 4(f) analysis for the ATMP (see Modeling Noise Impacts below).

Section 4(f) is applicable to all historic sites of national, State, or local significance, whether or not they are publicly owned or open to the public. Except in unusual circumstances, Section 4(f) protects only those historic sites that are listed or eligible for inclusion on the National Register of Historic Places (NRHP).⁴ Historic sites are normally identified during the process required under Section 106 of the National Historic Preservation Act. Section 4(f) is not applicable to privately owned parks, recreation areas, and wildlife and waterfowl refuges.

Section 4(f) Resources

The study area for considering Section 4(f) resources for the ATMP consists of the commercial air tour route over the Park and ½ mile outside the boundary of the Park, plus an additional five-mile buffer extending from either side of the centerline of the air tour route (the buffer is a total of ten miles wide).

¹ Federal Aviation Administration. 2015. 1050.1F, *Environmental Impacts: Policies and Procedures*. Also see 10501.F Desk Reference (Version 2, February 2020).

² See 1050.1F Desk Reference, Section 5-3.

³ Department of Transportation, Federal Aviation Administration, Order 1050.1F, *Environmental Impacts: Policies and Procedures*, Appendix B. Federal Aviation Administration Requirements for Assessing Impacts Related to Noise and Noise-Compatible Land Use and Section 4(f) of the Department of Transportation Act (49 U.S.C. § 303), Para. B-1.3, Affected Environment. July 16, 2015.

⁴ If a historic site is not NRHP-listed or eligible, a State or local official may formally provide information to FAA to indicate that a historic site is locally significant. The responsible FAA official may then determine it is appropriate to apply Section 4(f). See FAA Order 1050.1F and the 1050.1F Desk Reference, for further detail.

The study area for Section 4(f) resources also corresponds with the Area of Potential Effects (APE) used for compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (Section 106) for the Park. See Figure 1 for a depiction of the Section 4(f) study area. Historic properties were identified as part of the Section 106 consultation process. Parks, recreational areas, and wildlife and waterfowl refuges were identified using public datasets from Federal, State, and local sources, which included the U.S. Geological Survey, the Washington State Departments of Fish and Wildlife and of Parks and Recreation, and the City of Port Angeles. Each resource that intersected the study area (i.e., some portion of the property fell within the buffer around the route) was included in the Section 4(f) analysis.

Table 1 lists Section 4(f) historic sites and Table 2 shows Section 4(f) parks and recreational areas identified in the study area.⁵ There were no wildlife or waterfowl refuges identified in the study area. Figure 1 shows a map of all Section 4(f) resources within the study area.⁶

Table 1. Section 4(f) historic sites within the study area

Property Name	Official(s) with Jurisdiction	Property Type	Eligibility Status	Significant Characteristics
Administrative Headquarters Building	NPS, State Historic Preservation Officer (SHPO)	Building and District	Eligible	The Administrative Headquarter Building is significant for its association with political and government activities within Olympic National Park. The district is an example of the distinctive Rustic style architecture utilized by NPS during the early years managing former national forest lands on the Olympic Peninsula. These buildings embody the characteristics of the Rustic philosophy of design, but they have been applied in a modern way, taking advantage of modern building technologies and methods, while respecting and incorporating the tenets of the Rustic ethic.
Canyon Creek Shelter	NPS, SHPO	Building	Eligible	The building exemplifies NPS Rustic architectural design through its use of local, natural materials applied in a manner that is sensitive to the surrounding environment so as not to have a negative visual impact. The shelter was constructed by the NPS as another piece of the larger trail and shelter network first established by the United States Forest Service, but the style and method of construction

⁵ All data sources were accessed the week of March 21, 2022.

⁶ In order to protect resources and confidentiality, Traditional Cultural Properties, archeological sites, and other sensitive sites are not displayed on Figure 1.

Property Name	Official(s) with Jurisdiction	Property Type	Eligibility Status	Significant Characteristics
				reveals an emphasis more on aesthetics and enhancing a visitor's experience in the wilderness than the purpose set forth by the USFS, which was practical and functional in nature (fire protection and access).
Dodger Point Fire Lookout	NPS, SHPO	Building	Eligible	The building exemplifies Forest Service architectural design through its use of natural materials applied in a straightforward, functional manner for a building of a specific purpose. The lookout's historical significance is enhanced by its association with the military using the building as an Aircraft Warning Service station during World War II.
Eagle Guard Station Residence	NPS, SHPO	Building and District	Listed	Built between 1936 and 1940, the three buildings comprising the historic district are representative of the types of buildings that the United States Forest Service constructed to accomplish one of its objectives on the Olympic Peninsula--protecting the valuable stands of timber the agency was charged with managing--by building an extensive network of ranger, guard and patrol cabins, shelters, and lookouts.
Elkhorn Guard Station	NPS, SHPO	Building and District	Eligible	Built between 1936 and 1940, the three buildings comprising the historic district are representative of the types of buildings that the United States Forest Service constructed to accomplish one of its objectives on the Olympic Peninsula--protecting the valuable stands of timber the agency was charged with managing--by building an extensive network of ranger, guard and patrol cabins, shelters, and lookouts.
Happy Four Shelter	NPS, SHPO	Building	Eligible	This building exemplifies USFS architectural design and style through its use of local, natural materials applied in a manner that is functional and straightforward to address an immediate need, but which is also sensitive to the surrounding

Property Name	Official(s) with Jurisdiction	Property Type	Eligibility Status	Significant Characteristics
				environment so as not to have an obtrusive visual impact.
Lake Crescent Highway	SHPO, NPS	Structure	Eligible	This property is an early example of a Federal Aid Forest Road Project, a partnership involving federal agencies (the US Forest Service and Bureau of Public Roads) and the Washington State Highway Department in the early years of the national highway system. It is also a representative example of early twentieth century highway engineering, design, and construction methods in Washington State. The highway is largely intact and retains most of its character-defining features, plus aspects of integrity essential for NRHP eligibility including location, design, setting, and feeling.
Mission 66 Six-Unit Apartment Complex (Headquarters)	NPS, SHPO	Building	Eligible	Olympic National Park's 1940 building revealed a stylistic transition. Constructed primarily of wood, it featured Modernist design details and spatial composition. Its design demonstrated, particularly after World War II, the transition between the Rustic and Modern Movement style of park architecture.
Olympus Guard Station	NPS, SHPO	District	Listed	The district is significant for its association with politics and government activities and as an example of the distinctive type of Log, Pole, and Shake architecture utilized by the United States Forest Service in its years of managing the national forest lands on the Olympic Peninsula prior to the establishment of the national park.
Pioneer Memorial Museum, National Park Service Visitor Center	NPS, SHPO	Building	Eligible	Contributing property within the Administrative Headquarter Building Historic District.

Property Name	Official(s) with Jurisdiction	Property Type	Eligibility Status	Significant Characteristics
Pyramid Peak Aircraft Warning Service Lookout	NPS, SHPO	Building	Eligible	The Pyramid Peak AWS Lookout is significant for its association with politics and government activities within Olympic National Park and as an example of United States Army and United States Forest Service building design. The lookout's significance is enhanced by its association with the military funding the building of the structure by the NPS specifically for an Aircraft Warning Service station during World War II.
Rosemary Inn	NPS, SHPO	Historic District	Listed	Many design features of the Rosemary buildings exhibit strong links to the Bungalow style, such as the predominance of gable roofs with overhanging eaves and exposed rafters, the existence of small porches, and the predominant use of rustic exterior sheathing materials (wood shingles, cedar bark, half-log boards, and board and batten), the uniquely unorthodox application of these varied materials by local builder and craftsman John Daum gives Rosemary buildings a distinctly vernacular quality. The dedication ceremony of the creation of the park was held in 1946 on the lawn at Rosemary. Finally, Rosemary Inn Historic District is eligible for listing under Criterion C, because it embodies the distinctive characteristics of a type and method of construction and possesses high artistic value.
Singer's Lake Crescent Tavern	NPS, SHPO	Historic District	Listed	Singer's Lake Crescent Tavern Historic District embodies the distinctive characteristics of a resort type building that was prevalent in the Lake Crescent area during the early part of this century. Guests arrived by ferry or private launch for the first seven years of the resort's operation. Road access came in 1922. After the Singer's sold the property in the late 1920s, subsequent owners made periodic additions and alterations to

Property Name	Official(s) with Jurisdiction	Property Type	Eligibility Status	Significant Characteristics
				the buildings and grounds, however, the main lodge and original row of cabins to the west, as well as the overall spatial arrangement of the buildings, has remained intact.
Sol Duc Campground Historic District	NPS, SHPO	District	Eligible	Sol Duc Campground was evaluated as a historic district and is an excellent and highly intact example of National Park Service Mission 66 campground development in Olympic National Park. Largely developed between 1958 and 1966, Sol Duc Campground presently contains a visitor parking area, two campground loops, an amphitheater, and visitor facilities including comfort stations, water supply stations, a trailer dump station, and trash enclosures. Located in Clallam County in northwestern Washington State, Sol Duc Campground lies approximately 75 miles northwest of Seattle, in the northwestern portion of Olympic National Park.
Storm King Ranger Station	NPS, SHPO	Building	Eligible	Built circa 1905, this building is representative of the types of buildings that the United States Forest Service constructed to accomplish one of its objectives on the Olympic Peninsula-protecting the valuable stands of timber the agency was charged with managing by building an extensive network of ranger, guard and patrol cabins, shelters and lookouts. The building incorporated the materials used by the early settlers on the peninsula-logs, poles, and shakes. This building embodies the distinctive characteristics of the log building type and in addition exhibits a high degree of craftsmanship.
Wendel Property	NPS, SHPO	Building	Eligible	Built circa 1935, the two buildings on the property exemplify the types of buildings that were being designed and built in the Lake Crescent area for several decades beginning in the 1910s. The property's significance

Property Name	Official(s) with Jurisdiction	Property Type	Eligibility Status	Significant Characteristics
				lies in its ability to convey the type and style of architecture that was typical for recreation homebuilding in this area of Olympic National Park during an era of resort development: Bungalow/Craftsman style of architecture.

Table 2. Section 4(f) parks and recreational resources in the study area

Property Name	Official(s) with Jurisdiction	Description	Approximate Size
Olympic National Park	NPS	National Park on Washington's Olympic Peninsula, which includes the glacier-clad Mount Olympus.	1,442 square miles
Lions Park	City of Port Angeles	Neighborhood park with open space and picnic area.	2.57 acres (entirely within study area)
Rains Park	City of Port Angeles	Neighborhood park with play structure and open space.	0.44 acres (entirely within study area)
Webster's Woods Art Park	City of Port Angeles	Park with wooded trails and sculpture installations. Art is curate by the Port Angeles Fine Arts Center.	4.75 acres in total (1.52 acres in study area)
Olympic National Forest	U.S. Forest Service	National Forest in Washington State. Home to the Olympic mountains, Quinault temperate rainforest, and five wilderness areas: Buckhorn, The Brothers, Mount Skokomish, Wonder Mountain, and Colonel Bob. The forest is also popular hiking, backpacking, and camping destination, with 250 miles of trails.	631,800 acres in total (34.5 acres in study area)
Pacific Northwest National Scenic Trail	U.S. Forest Service	One of the youngest trails in the National Scenic Trail system, having been designated one in 2009, the PNW trail spans 1,200 miles across northern Montana, Idaho, and Washington State. The trail includes parts of the Rocky Mountains, Okanogan Highlands, North Cascades, Puget Sound, and Olympic Peninsula. It is popular with hikers, backpackers, and mountain bikers.	1,200 miles in length (27.5 mi in study area)

Section 4(f) Study Area and Properties for ATMP at Olympic National Park

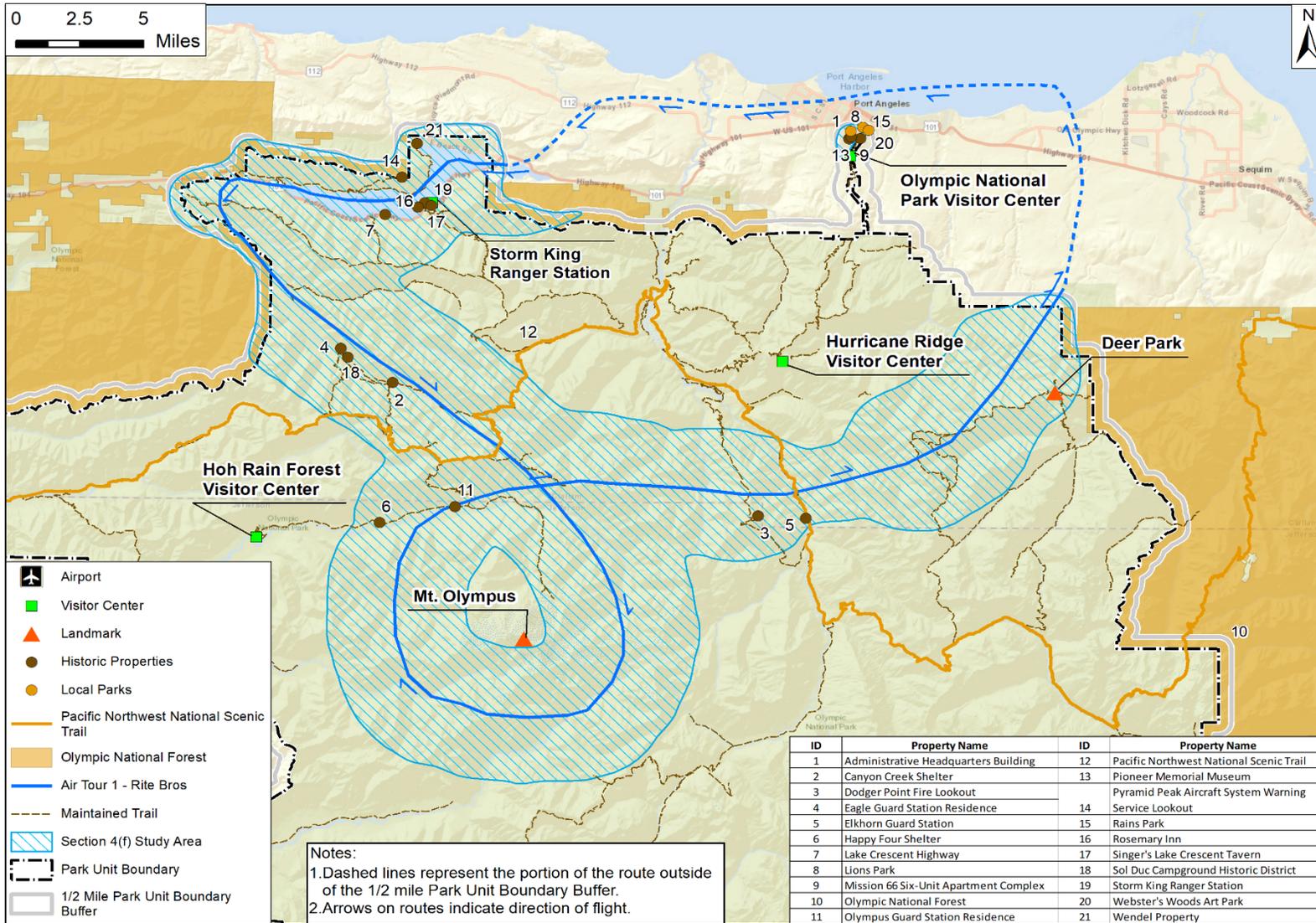


Figure 1. Map of Section 4(f) resources at the Park; includes resources entirely and partially within the Park study area.

Potential Use of Section 4(f) Resources

Evaluating potential impacts to Section 4(f) resources focuses on changes in aircraft noise exposure and visual effects resulting from implementing the ATMP. A constructive use of a Section 4(f) resource would occur if there was a substantial impairment of the resource to the degree that the activities, features, or attributes of the site that contribute to its significance or enjoyment are substantially diminished. This could occur as a result of both visual and noise impacts. The FAA evaluated the Section 4(f) resources for potential noise (including vibration) and visual impacts to determine if there was substantial impairment to Section 4(f) resources due to the ATMP that would result in a constructive use.

Noise Impacts Analysis

Indicators of Acoustic Conditions

There are numerous ways to describe the potential impacts of noise from commercial air tours on the acoustic environment of a park, including intensity, duration, and spatial footprint of the noise. The FAA’s noise evaluation is based on Day Night Average Sound Level Average Annual Day (L_{dn} or DNL), the cumulative noise energy exposure from aircraft. As part of the ATMP noise analysis, the NPS provided supplemental metrics to assess the impact of commercial air tours on visitor experience in quiet settings, including noise sensitive areas of Section 4(f) resources. The metrics and acoustical terminology considered for the Section 4(f) noise analysis are shown in Table 3.

Table 3. Metrics used for the noise analysis.

Metric	Relevance and citation
Day-night average sound level, DNL	<p>The logarithmic average of sound levels, in dBA, over a 24-hour day DNL takes into account the increased sensitivity to noise at night by including a ten dB penalty between 10 p.m. and 7 a.m. local time.</p> <p>The FAA’s indicators of significant impacts are for an action that would increase noise by DNL 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65 dB level due to a DNL 1.5 dB or greater increase, when compared to the no action alternative for the same timeframe.⁷</p>
Equivalent sound level, $L_{Aeq, 12\text{ hr}}$	<p>The logarithmic average of commercial air tour sound levels, in dBA, over a 12-hour day. The selected 12-hour period is 7 a.m. to 7 p.m. to represent typical daytime commercial air tour operating hours.</p> <p>Note: Both $L_{Aeq, 12\text{ hr}}$ and DNL characterize:</p> <ul style="list-style-type: none"> • Increases in both the loudness and duration of noise events • The number of noise events during specific time period (12 hours for $L_{Aeq, 12\text{ hr}}$ and 24-hours for DNL) <p>However, DNL takes into account the increased sensitivity to noise at night by including a ten dB penalty between 10 p.m. and 7 a.m. local time. If there are no nighttime events, $L_{Aeq, 12\text{ hr}}$ will be three dB higher than DNL.</p>

⁷ FAA Order 1050.1F, Exhibit 4-1

Maximum sound level, L_{max}	The loudest sound level, in dBA, generated by the loudest event; it is event-based and is independent of the number of operations. L_{max} does not provide any context of frequency, duration, or timing of exposure.
Time Above 35 dBA ⁸	The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 35 dBA) In quiet settings, outdoor sound levels exceeding 35 dB degrade experience in outdoor performance venues (ANSI 12.9-2007, Quantities And Procedures For Description And Measurement Of Environmental Sound – Part 5: Sound Level Descriptors For Determination Of Compatible Land Use); Blood pressure increases in sleeping humans (Haralabidis et al., 2008); maximum background noise level inside classrooms (ANSI/ASA S12.60/Part 1-2010, Acoustical Performance Criteria, Design Requirements, And Guidelines For Schools, Part 1: Permanent Schools).
Time Above 52 dBA	The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 52 dBA) This metric represents the level at which one may reasonably expect interference with Park interpretive programs. At this background sound level (52 dB), normal voice communication at five meters (two people five meters apart), or a raised voice to an audience at ten meters would result in 95% sentence intelligibility. ⁹

Modeling Noise Impacts

For aviation noise analyses under the National Environmental Policy Act (NEPA), the FAA determines the cumulative noise energy exposure of individuals resulting from aviation activities in terms of the Average Annual Day (AAD). However, because ATMP operations in the park occur at low annual operational levels and are highly seasonal in nature FAA determined that a peak day representation of the operations would more adequately allow for disclosure of any potential impacts.¹⁰ A peak day has therefore been used as a conservative representation of assessment of AAD conditions required by FAA policy.

This provides a conservative evaluation of potential noise impacts to park resources, as well as Section 4(f) resources, under the ATMP, as the AAD will always reflect fewer commercial air tour operations than a peak day. The 90th percentile day was identified for representation of a peak day and derived from the busiest year of commercial air tour activity from 2017-2019, based on the total number of commercial air tour operations (64 flights per year) and total flight miles over the Park. It was then further assessed for the type of aircraft and route flown to determine if it is a reasonable representation of the commercial

⁸ dBA (A-weighted decibels): Sound is measured on a logarithmic scale relative to the reference sound pressure for atmospheric sources, 20 μ Pa. The logarithmic scale is a useful way to express the wide range of sound pressures perceived by the human ear. Sound levels are reported in units of decibels (dB) (ANSI S1.1-1994, American National Standard Acoustical Terminology). A-weighting is applied to sound levels in order to account for the sensitivity of the human ear (ANSI S1.42-2001, Design Response of Weighting Networks for Acoustical Measurements). To approximate human hearing sensitivity, A-weighting discounts sounds below 1 kHz and above 6 kHz.

⁹ Environmental Protection Agency. Information on Levels of Noise Requisite to Protect the Public Health and Welfare with an Adequate Margin of Safety, March 1974.

¹⁰ See *U.S. Air Tour Ass'n v. F.A.A.*, 298 F.3d 997, 1017-18 (D.C. Cir. 2002).

air tour activity at the Park. For the Park, the 90th percentile day was identified as two flights on the route authorized by the ATMP (Air Tour #1).

The noise was modeled for the acoustic indicators in Table 3 and 90th percentile day using the FAA's Aviation Environmental Design Tool (AEDT) version 3d. The noise was modeled at points spaced every 0.25 nautical mile throughout the potentially affected area. Please refer to the Environmental Screening Form for further detail.

Summary of Potential Noise Impacts

The noise analysis indicates that the ATMP would not result in any noise impacts that would be "significant" or "reportable" under FAA's NEPA guidance.¹¹ Under the ATMP, there are no changes to the route or number of commercial air tours as compared with existing conditions. The resultant DNL due to the ATMP is expected to be below DNL 45 dBA and does not cause any reportable noise as there is no expected increase or change in noise from the ATMP.

Because the number of authorized flights under the ATMP would be the same as the average number of flights from 2017 to 2019, evaluation of the NPS supplemental metrics show that impacts to Section 4(f) resources would be similar to impacts currently occurring:

- On days when commercial air tours will occur, noise levels above 35 dBA (an indicator used by NPS to assess the potential for degradation of the natural sound environment) will occur for less than ten minutes a day in areas directly beneath and adjacent to the route (see NPS Environmental Screening Form, Figure 2).
- On days when commercial air tours will occur, noise levels above 52 dBA (which is associated with speech interference) will occur for less than five minutes in several small areas directly beneath and adjacent to the route (see Environmental Screening Form, Figure 3). Section 4(f) resources which fall under the 52 dBA noise contour include: Canyon Creek Shelter, Eagle Guard Station, and Sol Duc Campground, Lake Crescent Highway, Rosemary Inn, and Pyramid Peak Aircraft Warning Service Lookout.

In addition, the ATMP limits the operation of commercial air tours from two hours after sunrise until two hours before sunset, or from one hour after sunrise until one hour before sunset for operators that have converted to quiet technology aircraft, which provides times when visitors seeking solitude may experience the Section 4(f) resources without disruptions from commercial air tours. Collectively, these changes from existing operations and their effect on the current use of Section 4(f) resources will likely result in beneficial impacts to the Section 4(f) resources.

As a result, FAA concludes there would be no substantial impairment of Section 4(f) resources in the study area from noise-related effects by the implementation of the ATMP. The ATMP would not result in significant or reportable increase in noise at the Park and the ATMP will likely provide beneficial impacts to Section 4(f) resources. This all supports the FAA's determination that implementation of the Proposed Action would not constitute a constructive use of Section 4(f) resources in the study area. This Section 4(f) determination is consistent with the Section 106 no adverse effect determination at the Park (see Section 106 Consultation and Finding of No Adverse Effect letter).

¹¹ Per FAA Order 1050.1F, the FAA refers to noise changes meeting the following criteria as "reportable": for DNL 65 dB and higher, \pm DNL 1.5 dB; for DNL 60 dB to <65 dB, \pm DNL 3 dB; for DNL 45 dB to <60 dB, \pm DNL 5 dB. See also 1050.1F Desk Reference, Section 11.3.

Vibrational Impacts

A review of the potential for vibrational impacts on sensitive structures such as historic buildings, parklands, and recreation areas suggests that the potential for damage resulting from fixed-wing propeller aircraft overflights is minimal, as the fundamental blade passage frequency is well above the natural frequency of these structures. Additionally, the vibration amplitude of these overflights at the altitudes prescribed in the ATMP will be well below recommended limits.^{12, 13} Vibrational impacts are not anticipated to surrounding parkland and National Forest areas given that aircraft overflights do not contain vibrational energy at levels which would affect outdoor areas or natural features and there is no substantial change from existing conditions.

Visual Impacts Analysis

The ATMP would not substantially impair Section 4(f) resources within the study area because there would be no measurable change in visual effects from existing conditions. The level of commercial air tour activity under the ATMP will remain the same. Recognizing that some types of Section 4(f) resources may be affected by visual effects of commercial air tours, the FAA and NPS considered the potential for the introduction of visual elements that could substantially diminish the significance or enjoyment of Section 4(f) resources in the study area. Aircraft are transitory elements in a scene and visual impacts tend to be relatively short. The short duration and low number of flights make it unlikely a historic property, forest, or parkland would experience a visual effect from the ATMP. One's perspective of or viewshed from a historic property and natural areas is often drawn to the horizon and aircraft at higher altitudes are less likely to be noticed. Aircraft at lower altitudes may attract visual attention but are also more likely to be screened by vegetation or topography.

The ATMP includes a provision for the NPS to establish temporary no-fly periods for special events, such as tribal ceremonies or other similar events, with a minimum of one week notice to the operator. It represents an improvement over existing conditions where no such provision exists.

The ATMP limits the annual number of commercial air tours to 64 tours and maintains the same route as is currently flown under existing conditions. Based on the three-year average of reporting data (2017-2019), under current conditions, people in the park are not likely to see more than one commercial air tour per day on a typical day during which air tours are conducted. During a typical year, there are 49-52 days during which commercial air tours are conducted at the Park, leaving the vast majority of days (over 300 annual days) free of commercial air tours.

Visual impacts to Section 4(f) resources will be similar to impacts currently occurring because the number of authorized flights under the ATMP will be the same as the average number of flights from 2017-2019, and the route will remain the same as compared to existing conditions. The ATMP would not introduce visual elements or result in visual impacts that would substantially diminish the activities, features or attributes of a Section 4(f) resource. Therefore, there would be no constructive use from visual impacts of Section 4(f) resources.

¹² Hanson, C.E., King, K.W., et al., "Aircraft Noise Effects on Cultural Resources: Review of Technical Literature," NPOA Report No. 91-3 (HMMH Report No.290940.04-1), September 1991.

¹³ Volpe National Transportation Systems Center, Department of Transportation, 2014. Literature Review: Vibration of Natural Structures and Ancient/Historical Dwellings, Internal Report for National Park Service, Natural Sounds and Night Skies Division, August 21, 2014.

Conclusion

The FAA has determined that there would be no constructive use to Section 4(f) properties from implementation of the Proposed Action because noise and visual impacts from commercial air tours under the ATMP would not constitute a substantial impairment of Section 4(f) resources in the study area. The noise analysis indicated that there would be no significant impact or reportable increase from implementation of the ATMP. NPS's supplemental noise metrics show that the noise impacts would be similar to current conditions and provisions within the ATMP would provide benefits to Section 4(f) resources. Likewise, the visual impacts to Section 4(f) resources would be similar to impacts currently occurring because the number of authorized flights under the ATMP would be the same as the average number of flights from 2017 to 2019, and the route would remain the same as compared to existing conditions. Together, this supports the FAA's determination that the Proposed Action would not substantially diminish the protected activities, features, or attributes of the Section 4(f) resources in the study area.

The FAA consulted with the NPS and other officials with jurisdiction (OWJ) over Section 4(f) resources in the study area regarding FAA's finding of no substantial impairment, and hence, its no constructive use determination. As a cooperating agency on the Air Tour Management Plan and associated environmental review, NPS was actively engaged with FAA on the proposed action. FAA consulted with the State Historic Preservation Office (SHPO) on historic properties and received a concurrence on a finding of "no adverse effect."

In addition to consultation with the NPS and the SHPO, FAA corresponded with the officials with jurisdiction related to the remaining Section 4(f) resources. On June 7, 2022, FAA sent a letter to the City of Port Angeles and two letters to the U.S. Forest Service describing the proposed action, analysis on potential use of Section 4(f) resources under their respective jurisdiction, and FAA's preliminary determination (see attached). Follow-up emails were sent on June 14, 2022. The City of Port Angeles responded that they do not have any concerns with the proposed plan (see attached). The USFS responded providing accurate trail location data for the Pacific Northwest National Scenic Trail and no response was received regarding Olympic National Forest.

CORRESPONDENCE



U.S. Department
of Transportation
**Federal Aviation
Administration**

United States Department of Transportation
FEDERAL AVIATION ADMINISTRATION
Office of Policy, International Affairs & Environment
Office of Environment and Energy

NATIONAL PARKS AIR TOUR MANAGEMENT PROGRAM

June 7, 2022

Re: Consultation under Section 4(f) of the U.S. Department of Transportation Act (49 U.S.C. § 303) for the development of an Air Tour Management Plan for Olympic National Park

Kelly Lawrence
U.S. Forest Service
1835 Black Lake Blvd SW
Olympia, WA 98512

Dear Kelly Lawrence:

The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS), is developing an Air Tour Management Plan (ATMP) for the Olympic National Park (Park). The FAA is preparing documentation for the ATMP in accordance with the National Parks Air Tour Management Act (NPATMA) and other applicable laws, including Section 4(f) of the U.S. Department of Transportation Act (Section 4(f)). The purpose of this letter is to coordinate with you on FAA's preliminary findings related to the ATMP's potential impacts to Olympic National Forest, which is a protected property under Section 4(f).

Project Background and Purpose of the Action

NPATMA (Public Law 106-181, codified at 49 U.S.C. § 40128) of 2000, directs the agencies to develop ATMPs for commercial air tour operations over units of the national park system. A commercial air tour operation is defined as "a flight conducted for compensation or hire in a powered aircraft where the purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of a national park or over tribal lands, during which the aircraft flies below an altitude of 5,000 feet (ft.) above ground level (AGL) or less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary)." When NPATMA was passed in 2000, existing air tour operators were permitted to continue air tour operations in parks until an ATMP was completed. To facilitate this continued use, FAA issued Interim Operating Authority (IOA) to existing air tour operators. IOA set an annual limit of the number of flights per operator for each park. In 2012, NPATMA was amended by Congress to, among other things, require operators to report the number of flights conducted on a quarterly interval each year. On February 14, 2019, Public Employees for Environmental Responsibility and the Hawai'i Coalition Malama Pono filed a petition for writ of mandamus seeking to have the agencies complete air tour management plans or voluntary agreements at seven specified parks, In re Public Employees for Environmental Responsibility, et al., Case No. 19-1044 (D.C. Cir.). On May 1, 2020, the United States Court of Appeals for the District of Columbia Circuit granted the petition and

ordered the agencies to file a proposed schedule for bringing twenty-three eligible parks, including Olympic National Park, into compliance with NPATMA within two years. The agencies submitted a plan to complete all ATMPs to the court on August 31, 2020.

Section 4(f) is applicable to historic sites and publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, State, or local significance that may be impacted by transportation programs or projects carried out by the U.S. Department of Transportation (USDOT) and its operating administrations, including the FAA. Section 4(f) of the Department of Transportation Act (codified at 49 U.S.C. § 303(c)), states that, subject to exceptions for *de minimis* impacts:

“... the Secretary may approve a transportation program or project...requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if –

1. There is no prudent and feasible alternative to using that land; and
2. The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.”

The term “use” refers to both direct (physical) and indirect (constructive) impacts to Section 4(f) resources. A physical use involves the physical occupation or alteration of a Section 4(f) resource, while constructive use occurs when a proposed action results in substantial impairment of a resource to the degree that the activities, features, or attributes of the resource that contribute to its significance or enjoyment are substantially diminished. Under the ATMP, potential impacts to Section 4(f) resources from commercial air tours may include noise from aircraft within the acoustic environment, as well as visual impacts.

Description of the Proposed Action

The FAA and the NPS (collectively, the agencies) are developing ATMPs for 24 parks,¹ including the Olympic National Park. The ATMPs are being developed in accordance with NPATMA. Each ATMP is unique and therefore, each ATMP is being assessed individually under Section 4(f).

Commercial air tours have been operating intermittently over the Park for over 20 years. Since 2005, these air tours have been conducted pursuant to IOA issued by FAA in accordance with NPATMA. IOA does not provide any operating conditions (e.g., routes, altitudes, time of day, etc.) for air tours other than a limit of 76 air tours per year. The ATMP will replace IOA.

The FAA and the NPS have documented the existing conditions for commercial air tour operations at the Park. The FAA and the NPS consider the existing operations for commercial air tours to be an average of 2017-2019 annual air tours flown, which is 64 air tours. The agencies decided to use a three-year average because it reflects the most accurate and reliable air tour conditions based on available

¹ On March 4, 2021, the NPS notified the FAA that an air tour management plan was necessary to protect Muir Woods National Monument’s resources and values and withdrew the exemption for the that park. The agencies are now proceeding with ATMPs for 24 parks instead of 23.

operator reporting, and accounts for variations across multiple years, excluding more recent years affected by the COVID 19 pandemic.²

The proposed action is implementing the ATMP at the Park. The following elements of the ATMP are included for the Park:

- A maximum of 64 commercial air tour is authorized per year on the route(s) depicted in **Attachment A**;
- Air tours will fly no lower than 2,000 to 3,000 ft. above ground level (AGL) when over the Park or within ½ mile of its boundary;
- The aircraft types authorized for the commercial air tour includes: CE-172-K, CE-172-N, CE-206-TU206F, CE-206-U206A. Any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced;
- The air tours may operate between two hours after sunrise and two hours before sunset, except as provided by the quiet technology incentive. The NPS can establish temporary no-fly periods that apply to commercial air tours for special events or planned Park management.
- The operator is required to install and use flight monitoring technology on all authorized commercial air tours, and to include flight monitoring data in their semi-annual reports to the agencies, along with the number of commercial air tours conducted;
- When made available by Park staff, the operator/pilot may take at least one training course per year conducted by the NPS. The training will include Park information that the operator can use to further their own understanding of Park priorities and management objectives as well as enhance the interpretive narrative for air tour clients and increase understanding of parks by air tour clients;
- At the request of either of the agencies, the Park staff, the FAA Flight Standards District Office (FSDO), and the operator may meet once per year to discuss the implementation of this ATMP and any amendments or other changes to the ATMP. This annual meeting could be conducted in conjunction with any required annual training; and
- For situational awareness when conducting tours of the Park, the operator will utilize frequency 122.8 and report when they enter and depart a route. The pilot should identify their company, aircraft, and route to make any other aircraft in the vicinity aware of their position.

The FAA and the NPS are both responsible for monitoring and oversight of the ATMP.

Section 4(f)

The study area for considering Section 4(f) resources for the ATMP consists of the commercial air tour route over the Park and ½ mile outside the boundary of the Park, plus an additional five-mile buffer extending from either side of the centerline of the air tour route (the buffer is a total of ten miles wide). The study area for Section 4(f) resources also corresponds with the Area of Potential Effects (APE) used for compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (Section 106) for the Park. See **Attachment A** for a depiction of the Section 4(f) study area. Historic properties were identified as part of the Section 106 consultation process. Parks, recreational areas, and wildlife and waterfowl refuges were identified using public datasets from Federal, State, and local sources, which

² Altitude expressed in units above ground level (AGL) is a measurement of the distance between the ground surface and the aircraft, whereas altitude expressed in median sea level (MSL) refers to the altitude of aircraft above sea level, regardless of the terrain below it. Aircraft flying at a constant MSL altitude would simultaneously fly at varying AGL altitudes, and vice versa, assuming uneven terrain is present below the aircraft.

included the U.S. Geological Survey, the Washington State Departments of Fish and Wildlife and of Parks and Recreation, and the City of Port Angeles. Each resource that intersected the study area (i.e., some portion of the property fell within the buffer around the route) was included in the Section 4(f) analysis.

Potential Use of Section 4(f) Resources

Evaluating potential impacts to Section 4(f) resources focuses on changes in aircraft noise exposure and visual effects resulting from implementing the ATMP. A constructive use of a Section 4(f) resource would occur if there was a substantial impairment of the resource to the degree that the activities, features, or attributes of the site that contribute to its significance or enjoyment are substantially diminished. This could occur as a result of both visual and noise impacts. The FAA evaluated the Section 4(f) resources for potential noise (including vibration) and visual impacts to determine if there was substantial impairment to Section 4(f) resources due to the ATMP that might result in a constructive use.

Noise Impacts Analysis

The FAA’s noise evaluation is based on Day Night Average Sound Level Average Annual Day (Ldn or DNL), the cumulative noise energy exposure from aircraft. As part of the ATMP noise analysis, the NPS provided supplemental metrics to assess the impact of commercial air tours on visitor experience in quiet settings, including noise sensitive areas of Section 4(f) resources. The metrics and acoustical terminology considered for the Section 4(f) noise analysis are shown in the table below.

Metric	Relevance and citation
Day-night average sound level, DNL	<p>The logarithmic average of sound levels, in dBA, over a 24-hour day DNL takes into account the increased sensitivity to noise at night by including a ten dB penalty between 10 p.m. and 7 a.m. local time.</p> <p>The FAA’s indicators of significant impacts are for an action that would increase noise by DNL 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65 dB level due to a DNL 1.5 dB or greater increase, when compared to the no action alternative for the same timeframe.³</p>
Equivalent sound level, $L_{Aeq, 12hr}$	<p>The logarithmic average of commercial air tour sound levels, in dBA, over a 12-hour day. The selected 12-hour period is 7 a.m. to 7 p.m. to represent typical daytime commercial air tour operating hours.</p> <p>Note: Both $L_{Aeq, 12hr}$ and DNL and characterize:</p> <ul style="list-style-type: none"> • Increases in both the loudness and duration of noise events • The number of noise events during specific time period (12 hours for $L_{Aeq, 12hr}$ and 24-hours for DNL)

³ FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, Exhibit 4-1

	However, DNL takes into account the increased sensitivity to noise at night by including a ten dB penalty between 10 p.m. and 7 a.m. local time. If there are no nighttime events, $L_{Aeq, 12hr}$ will be three dB higher than DNL.
Maximum sound level, L_{max}	The loudest sound level, in dBA, generated by the loudest event; it is event-based and is independent of the number of operations. L_{max} does not provide any context of frequency, duration, or timing of exposure.
Time Above 35 dBA ⁴	The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 35 dBA) In quiet settings, outdoor sound levels exceeding 35 dB degrade experience in outdoor performance venues (ANSI 12.9-2007, Quantities And Procedures For Description And Measurement Of Environmental Sound – Part 5: Sound Level Descriptors For Determination Of Compatible Land Use); Blood pressure increases in sleeping humans (Haralabidis et al., 2008); maximum background noise level inside classrooms (ANSI/ASA S12.60/Part 1-2010, Acoustical Performance Criteria, Design Requirements, And Guidelines For Schools, Part 1: Permanent Schools).
Time Above 52 dBA	The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 52 dBA) This metric represents the level at which one may reasonably expect interference with Park interpretive programs. At this background sound level (52 dB), normal voice communication at five meters (two people five meters apart), or a raised voice to an audience at ten meters would result in 95% sentence intelligibility. ⁵

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This provides a conservative evaluation of potential noise impacts to park resources, as well as Section 4(f) resources, under the ATMP, as the AAD will always reflect fewer commercial air tour operations than a peak day. The 90th percentile day was identified for representation of a peak day and derived

⁴ dBA (A-weighted decibels): Sound is measured on a logarithmic scale relative to the reference sound pressure for atmospheric sources, 20 μ Pa. The logarithmic scale is a useful way to express the wide range of sound pressures perceived by the human ear. Sound levels are reported in units of decibels (dB) (ANSI S1.1-1994, American National Standard Acoustical Terminology). A-weighting is applied to sound levels in order to account for the sensitivity of the human ear (ANSI S1.42-2001, Design Response of Weighting Networks for Acoustical Measurements). To approximate human hearing sensitivity, A-weighting discounts sounds below 1 kHz and above 6 kHz.

⁵ Environmental Protection Agency. Information on Levels of Noise Requisite to Protect the Public Health and Welfare with an Adequate Margin of Safety, March 1974.

from the busiest year of commercial air tour activity from 2017-2019, based on the total number of commercial air tour operations and total flight miles over the Park. It was then further assessed for the type of aircraft and route flown to determine if it is a reasonable representation of the commercial air tour activity at the Park. For the Park, the 90th percentile day was identified as two flights on the route authorized by the ATMP.

The noise was modeled for the acoustic indicators in the table above and 90th percentile day using the Federal Aviation Administration's Aviation Environmental Design Tool (AEDT) version 3d. The noise was modeled at points spaced every 0.25 nautical mile throughout the potentially affected area.

The noise analysis indicates that the ATMP would not result in any noise impacts that would be "significant," as described in the table above, or "reportable" under FAA's policy for the NEPA.⁶ Under the ATMP, there are no changes to the route or number of commercial air tours as compared with existing conditions. The resultant DNL due to the ATMP is expected to be below DNL 45 dBA and does not cause any reportable noise as there is no expected increase or change in noise from the ATMP.

Evaluation of the NPS supplemental metrics show that impacts to Section 4(f) resources would be similar to impacts currently occurring because the number of authorized flights under the ATMP would be the same as or less than the average number of flights from 2017 to 2019.

- On days when commercial air tours will occur, noise levels above 35 dBA (an indicator used by NPS to assess the potential for degradation of the natural sound environment) will occur for less than ten minutes a day in areas directly beneath and adjacent to the route.
- On days when commercial air tours will occur, noise levels above 52 dBA (which is associated with speech interference) will occur for less than five minutes in several small areas directly beneath and adjacent to the route.

In addition, the ATMP limits the operation of commercial air tours from two hours after sunrise until two hours before sunset, or from one hour after sunrise until one hour before sunset for operators that have converted to quiet technology aircraft, which provides times when visitors seeking solitude may experience the Section 4(f) resources without disruptions from commercial air tours. Collectively, these changes from existing operations and their effect on the current use of Section 4(f) resources will likely result in beneficial impacts to the Section 4(f) resources.

A review of the potential for vibrational impacts on historic buildings, parklands, and forests suggests that the potential for damage resulting from fixed-wing propeller aircraft overflights is minimal, as the fundamental blade passage frequency is well above the natural frequency of these structures. Additionally, the vibration amplitude of these overflights at the altitudes prescribed in the ATMP will be well below recommended limits.

As a result, FAA concludes there would be no substantial impairment of Section 4(f) resources in the study area from noise-related and vibrational effects by the implementation of the ATMP. The ATMP would not result in significant or reportable increase in noise at the Park and the ATMP will likely provide beneficial impacts to Section 4(f) resources. Likewise, vibrational impacts from air tour

⁶ Per FAA Order 1050.1F, the FAA refers to noise changes meeting the following criteria as "reportable": for DNL 65 dB and higher, \pm DNL 1.5 dB; for DNL 60 dB to <65 dB, \pm DNL 3 dB; for DNL 45 dB to <60 dB, \pm DNL 5 dB. See 1050.1F Desk Reference, Section 11.3.

overflights would be minimal. This all supports the FAA's determination that implementation of the Proposed Action would not constitute a constructive use of Section 4(f) resources in the study area.

Visual Impacts Analysis

The ATMP would not substantially impair Section 4(f) resources within the study area because there would be no measurable change in visual effects from existing conditions. The level of commercial air tour activity under the ATMP will remain the same. Recognizing that some types of Section 4(f) resources may be affected by visual effects of commercial air tours, the FAA and NPS considered the potential for the introduction of visual elements that could substantially diminish the significance or enjoyment of Section 4(f) resources in the study area. Aircraft are transitory elements in a scene and visual impacts tend to be relatively short. The short duration and low number of flights make it unlikely a Section 4(f) resource would experience a visual effect from the ATMP. One's perspective of or viewshed from a Section 4(f) resource is often drawn to the horizon and aircraft at higher altitudes are less likely to be noticed. Aircraft at lower altitudes may attract visual attention but are also more likely to be screened by vegetation or topography.

The ATMP includes a provision for the NPS to establish temporary no-fly periods for special events, such as tribal ceremonies or other similar events, with a minimum of one week notice to the operator. It represents an improvement over existing conditions where no such provision exists.

The ATMP limits the annual number of commercial air tours to 64 air tours and maintains the same route as is currently flown under existing conditions. Based on the three-year average of reporting data (2017-2019), under current conditions, people in the park are not likely to see more than one commercial air tour per day on a typical day during which air tours are conducted. During a typical year, there are 49-52 days during which commercial air tours are conducted at the Park, leaving the vast majority of days (over 300 annual days) free of commercial air tours.

Visual impacts to Section 4(f) resources will be similar to impacts currently occurring because the number of authorized flights under the ATMP will be the same as the average number of flights from 2017-2019, and the route will remain the same as compared to existing conditions. The ATMP would not introduce visual elements that would diminish the integrity of a Section 4(f) resource.

Preliminary Finding

The FAA has preliminarily determined the ATMP would not substantially diminish the protected activities, features, or attributes of the Section 4(f) resources in the study area. There is no anticipated change in visual and noise impacts over existing conditions as a result of the ATMP. Moreover, the noise analysis indicated that there would be no significant impact or reportable increase from implementation of the ATMP. The ATMP would not result in substantial impairment of Section 4(f) resources; therefore, based on the analysis above, FAA intends to make a determination of no constructive use of Olympic National Forest. We request that you review this information and respond with any concerns or need for further consultation on the FAA's proposed no substantial impairment finding within fourteen days of receiving this letter.

Should you have any questions regarding any of the above, please contact Eric Elmore at 202-267-8335 or eric.elmore@faa.gov and copy the ATMP team at ATMPTeam@dot.gov.

Sincerely,

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ELMORE

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Eric Elmore
Senior Policy Advisor
Office of Environment and Energy
Federal Aviation Administration

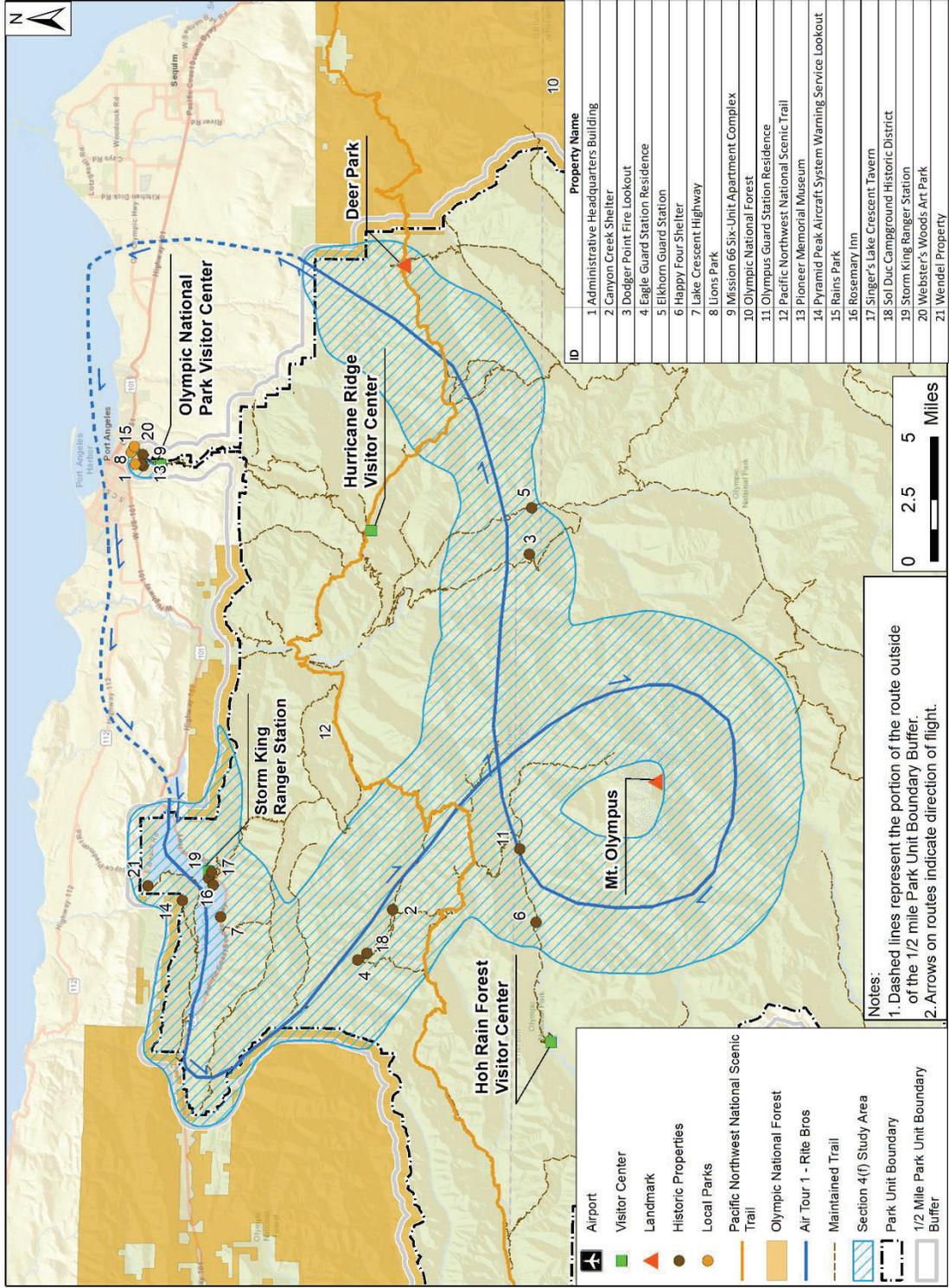
Attachments

- A. Map including proposed Commercial Air Tour Routes, Section 4(f) Study Area, and Section 4(f) Resources

ATTACHMENT A

Map of Proposed Commercial Air Tour Routes, Section 4(f) Study Area, and Section 4(f) Resources

Section 4(f) Study Area and Properties for ATMP at Olympic National Park





U.S. Department
of Transportation
**Federal Aviation
Administration**

United States Department of Transportation
FEDERAL AVIATION ADMINISTRATION
Office of Policy, International Affairs & Environment
Office of Environment and Energy

NATIONAL PARKS AIR TOUR MANAGEMENT PROGRAM

June 7, 2022

Re: Consultation under Section 4(f) of the U.S. Department of Transportation Act (49 U.S.C. § 303) for the development of an Air Tour Management Plan for Olympic National Park

Corey Delikat
City of Port Angeles
321 E. 5th St.
Port Angeles, WA 98362

Dear Corey Delikat:

The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS), is developing an Air Tour Management Plan (ATMP) for the Olympic National Park (Park). The FAA is preparing documentation for the ATMP in accordance with the National Parks Air Tour Management Act (NPATMA) and other applicable laws, including Section 4(f) of the U.S. Department of Transportation Act (Section 4(f)). The purpose of this letter is to coordinate with you on FAA's preliminary findings related to the ATMP's potential impacts to Lions Park, Rains Park, and Webster's Woods Art Park, which are protected properties under Section 4(f).

Project Background and Purpose of the Action

NPATMA (Public Law 106-181, codified at 49 U.S.C. § 40128) of 2000, directs the agencies to develop ATMPs for commercial air tour operations over units of the national park system. A commercial air tour operation is defined as "a flight conducted for compensation or hire in a powered aircraft where the purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of a national park or over tribal lands, during which the aircraft flies below an altitude of 5,000 feet (ft.) above ground level (AGL) or less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary)." When NPATMA was passed in 2000, existing air tour operators were permitted to continue air tour operations in parks until an ATMP was completed. To facilitate this continued use, FAA issued Interim Operating Authority (IOA) to existing air tour operators. IOA set an annual limit of the number of flights per operator for each park. In 2012, NPATMA was amended by Congress to, among other things, require operators to report the number of flights conducted on a quarterly interval each year. On February 14, 2019, Public Employees for Environmental Responsibility and the Hawai'i Coalition Malama Pono filed a petition for writ of mandamus seeking to have the agencies complete air tour management plans or voluntary agreements at seven specified parks, In re Public Employees for Environmental Responsibility, et al., Case No. 19-1044 (D.C. Cir.). On May 1, 2020, the United States Court of Appeals for the District of Columbia Circuit granted the petition and

ordered the agencies to file a proposed schedule for bringing twenty-three eligible parks, including Olympic National Park, into compliance with NPATMA within two years. The agencies submitted a plan to complete all ATMPs to the court on August 31, 2020.

Section 4(f) is applicable to historic sites and publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, State, or local significance that may be impacted by transportation programs or projects carried out by the U.S. Department of Transportation (USDOT) and its operating administrations, including the FAA. Section 4(f) of the Department of Transportation Act (codified at 49 U.S.C. § 303(c)), states that, subject to exceptions for *de minimis* impacts:

“... the Secretary may approve a transportation program or project...requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if –

1. There is no prudent and feasible alternative to using that land; and
2. The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.”

The term “use” refers to both direct (physical) and indirect (constructive) impacts to Section 4(f) resources. A physical use involves the physical occupation or alteration of a Section 4(f) resource, while constructive use occurs when a proposed action results in substantial impairment of a resource to the degree that the activities, features, or attributes of the resource that contribute to its significance or enjoyment are substantially diminished. Under the ATMP, potential impacts to Section 4(f) resources from commercial air tours may include noise from aircraft within the acoustic environment, as well as visual impacts.

Description of the Proposed Action

The FAA and the NPS (collectively, the agencies) are developing ATMPs for 24 parks,¹ including the Olympic National Park. The ATMPs are being developed in accordance with NPATMA. Each ATMP is unique and therefore, each ATMP is being assessed individually under Section 4(f).

Commercial air tours have been operating intermittently over the Park for over 20 years. Since 2005, these air tours have been conducted pursuant to IOA issued by FAA in accordance with NPATMA. IOA does not provide any operating conditions (e.g., routes, altitudes, time of day, etc.) for air tours other than a limit of 76 air tours per year. The ATMP will replace IOA.

The FAA and the NPS have documented the existing conditions for commercial air tour operations at the Park. The FAA and the NPS consider the existing operations for commercial air tours to be an average of 2017-2019 annual air tours flown, which is 64 air tours. The agencies decided to use a three-year average because it reflects the most accurate and reliable air tour conditions based on available

¹ On March 4, 2021, the NPS notified the FAA that an air tour management plan was necessary to protect Muir Woods National Monument’s resources and values and withdrew the exemption for the that park. The agencies are now proceeding with ATMPs for 24 parks instead of 23.

operator reporting, and accounts for variations across multiple years, excluding more recent years affected by the COVID 19 pandemic.²

The proposed action is implementing the ATMP at the Park. The following elements of the ATMP are included for the Park:

- A maximum of 64 commercial air tour is authorized per year on the route(s) depicted in **Attachment A**;
- Air tours will fly no lower than 2,000 to 3,000 ft. above ground level (AGL) when over the Park or within ½ mile of its boundary;
- The aircraft types authorized for the commercial air tour includes: CE-172-K, CE-172-N, CE-206-TU206F, CE-206-U206A. Any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced;
- The air tours may operate between two hours after sunrise and two hours before sunset, except as provided by the quiet technology incentive. The NPS can establish temporary no-fly periods that apply to commercial air tours for special events or planned Park management.
- The operator is required to install and use flight monitoring technology on all authorized commercial air tours, and to include flight monitoring data in their semi-annual reports to the agencies, along with the number of commercial air tours conducted;
- When made available by Park staff, the operator/pilot may take at least one training course per year conducted by the NPS. The training will include Park information that the operator can use to further their own understanding of Park priorities and management objectives as well as enhance the interpretive narrative for air tour clients and increase understanding of parks by air tour clients;
- At the request of either of the agencies, the Park staff, the FAA Flight Standards District Office (FSDO), and the operator may meet once per year to discuss the implementation of this ATMP and any amendments or other changes to the ATMP. This annual meeting could be conducted in conjunction with any required annual training; and
- For situational awareness when conducting tours of the Park, the operator will utilize frequency 122.8 and report when they enter and depart a route. The pilot should identify their company, aircraft, and route to make any other aircraft in the vicinity aware of their position.

The FAA and the NPS are both responsible for monitoring and oversight of the ATMP.

Section 4(f)

The study area for considering Section 4(f) resources for the ATMP consists of the commercial air tour route over the Park and ½ mile outside the boundary of the Park, plus an additional five-mile buffer extending from either side of the centerline of the air tour route (the buffer is a total of ten miles wide). The study area for Section 4(f) resources also corresponds with the Area of Potential Effects (APE) used for compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (Section 106) for the Park. See **Attachment A** for a depiction of the Section 4(f) study area. Historic properties were identified as part of the Section 106 consultation process. Parks, recreational areas, and wildlife and waterfowl refuges were identified using public datasets from Federal, State, and local sources, which

² Altitude expressed in units above ground level (AGL) is a measurement of the distance between the ground surface and the aircraft, whereas altitude expressed in median sea level (MSL) refers to the altitude of aircraft above sea level, regardless of the terrain below it. Aircraft flying at a constant MSL altitude would simultaneously fly at varying AGL altitudes, and vice versa, assuming uneven terrain is present below the aircraft.

included the U.S. Geological Survey, the Washington State Departments of Fish and Wildlife and of Parks and Recreation, and the City of Port Angeles. Each resource that intersected the study area (i.e., some portion of the property fell within the buffer around the route) was included in the Section 4(f) analysis.

Potential Use of Section 4(f) Resources

Evaluating potential impacts to Section 4(f) resources focuses on changes in aircraft noise exposure and visual effects resulting from implementing the ATMP. A constructive use of a Section 4(f) resource would occur if there was a substantial impairment of the resource to the degree that the activities, features, or attributes of the site that contribute to its significance or enjoyment are substantially diminished. This could occur as a result of both visual and noise impacts. The FAA evaluated the Section 4(f) resources for potential noise (including vibration) and visual impacts to determine if there was substantial impairment to Section 4(f) resources due to the ATMP that might result in a constructive use.

Noise Impacts Analysis

The FAA’s noise evaluation is based on Day Night Average Sound Level Average Annual Day (Ldn or DNL), the cumulative noise energy exposure from aircraft. As part of the ATMP noise analysis, the NPS provided supplemental metrics to assess the impact of commercial air tours on visitor experience in quiet settings, including noise sensitive areas of Section 4(f) resources. The metrics and acoustical terminology considered for the Section 4(f) noise analysis are shown in the table below.

Metric	Relevance and citation
Day-night average sound level, DNL	<p>The logarithmic average of sound levels, in dBA, over a 24-hour day DNL takes into account the increased sensitivity to noise at night by including a ten dB penalty between 10 p.m. and 7 a.m. local time.</p> <p>The FAA’s indicators of significant impacts are for an action that would increase noise by DNL 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65 dB level due to a DNL 1.5 dB or greater increase, when compared to the no action alternative for the same timeframe.³</p>
Equivalent sound level, $L_{Aeq, 12hr}$	<p>The logarithmic average of commercial air tour sound levels, in dBA, over a 12-hour day. The selected 12-hour period is 7 a.m. to 7 p.m. to represent typical daytime commercial air tour operating hours.</p> <p>Note: Both $L_{Aeq, 12hr}$ and DNL and characterize:</p> <ul style="list-style-type: none"> • Increases in both the loudness and duration of noise events • The number of noise events during specific time period (12 hours for $L_{Aeq, 12hr}$ and 24-hours for DNL) <p>However, DNL takes into account the increased sensitivity to noise at night by including a ten dB penalty between 10 p.m. and 7 a.m. local time. If there are no nighttime events, $L_{Aeq, 12hr}$ will be three dB higher than DNL.</p>

³ FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, Exhibit 4-1

Maximum sound level, L_{max}	The loudest sound level, in dBA, generated by the loudest event; it is event-based and is independent of the number of operations. L_{max} does not provide any context of frequency, duration, or timing of exposure.
Time Above 35 dBA ⁴	The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 35 dBA) In quiet settings, outdoor sound levels exceeding 35 dB degrade experience in outdoor performance venues (ANSI 12.9-2007, Quantities And Procedures For Description And Measurement Of Environmental Sound – Part 5: Sound Level Descriptors For Determination Of Compatible Land Use); Blood pressure increases in sleeping humans (Haralabidis et al., 2008); maximum background noise level inside classrooms (ANSI/ASA S12.60/Part 1-2010, Acoustical Performance Criteria, Design Requirements, And Guidelines For Schools, Part 1: Permanent Schools).
Time Above 52 dBA	The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 52 dBA) This metric represents the level at which one may reasonably expect interference with Park interpretive programs. At this background sound level (52 dB), normal voice communication at five meters (two people five meters apart), or a raised voice to an audience at ten meters would result in 95% sentence intelligibility. ⁵

For aviation noise analyses under the National Environmental Policy Act (NEPA), the FAA determines the cumulative noise energy exposure of individuals resulting from aviation activities in terms of the Average Annual Day (AAD). However, because ATMP operations in the park occur at low annual operational levels and are highly seasonal in nature, the FAA determined that a peak day representation of the operations would more adequately allow for disclosure of any potential impacts. A peak day has therefore been used as a conservative representation of assessment of AAD conditions required by FAA policy.

This provides a conservative evaluation of potential noise impacts to park resources, as well as Section 4(f) resources, under the ATMP, as the AAD will always reflect fewer commercial air tour operations than a peak day. The 90th percentile day was identified for representation of a peak day and derived from the busiest year of commercial air tour activity from 2017-2019, based on the total number of commercial air tour operations and total flight miles over the Park. It was then further assessed for the type of aircraft and route flown to determine if it is a reasonable representation of the commercial air

⁴ dBA (A-weighted decibels): Sound is measured on a logarithmic scale relative to the reference sound pressure for atmospheric sources, 20 μ Pa. The logarithmic scale is a useful way to express the wide range of sound pressures perceived by the human ear. Sound levels are reported in units of decibels (dB) (ANSI S1.1-1994, American National Standard Acoustical Terminology). A-weighting is applied to sound levels in order to account for the sensitivity of the human ear (ANSI S1.42-2001, Design Response of Weighting Networks for Acoustical Measurements). To approximate human hearing sensitivity, A-weighting discounts sounds below 1 kHz and above 6 kHz.

⁵ Environmental Protection Agency. [Information on Levels of Noise Requisite to Protect the Public Health and Welfare with an Adequate Margin of Safety](#), March 1974.

tour activity at the Park. For the Park, the 90th percentile day was identified as two flights on the route authorized by the ATMP.

The noise was modeled for the acoustic indicators in the table above and 90th percentile day using the Federal Aviation Administration's Aviation Environmental Design Tool (AEDT) version 3d. The noise was modeled at points spaced every 0.25 nautical mile throughout the potentially affected area.

The noise analysis indicates that the ATMP would not result in any noise impacts that would be "significant," as described in the table above, or "reportable" under FAA's policy for the NEPA.⁶ Under the ATMP, there are no changes to the route or number of commercial air tours as compared with existing conditions. The resultant DNL due to the ATMP is expected to be below DNL 45 dBA and does not cause any reportable noise as there is no expected increase or change in noise from the ATMP.

Evaluation of the NPS supplemental metrics show that impacts to Section 4(f) resources would be similar to impacts currently occurring because the number of authorized flights under the ATMP would be the same as or less than the average number of flights from 2017 to 2019.

- On days when commercial air tours will occur, noise levels above 35 dBA (an indicator used by NPS to assess the potential for degradation of the natural sound environment) will occur for less than ten minutes a day in areas directly beneath and adjacent to the route.
- On days when commercial air tours will occur, noise levels above 52 dBA (which is associated with speech interference) will occur for less than five minutes in several small areas directly beneath and adjacent to the route.

In addition, the ATMP limits the operation of commercial air tours from two hours after sunrise until two hours before sunset, or from one hour after sunrise until one hour before sunset for operators that have converted to quiet technology aircraft, which provides times when visitors seeking solitude may experience the Section 4(f) resources without disruptions from commercial air tours. Collectively, these changes from existing operations and their effect on the current use of Section 4(f) resources will likely result in beneficial impacts to the Section 4(f) resources.

A review of the potential for vibrational impacts on historic buildings, parklands, and forests suggests that the potential for damage resulting from fixed-wing propeller aircraft overflights is minimal, as the fundamental blade passage frequency is well above the natural frequency of these structures. Additionally, the vibration amplitude of these overflights at the altitudes prescribed in the ATMP will be well below recommended limits.

As a result, FAA concludes there would be no substantial impairment of Section 4(f) resources in the study area from noise-related and vibrational effects by the implementation of the ATMP. The ATMP would not result in significant or reportable increase in noise at the Park and the ATMP will likely provide beneficial impacts to Section 4(f) resources. Likewise, vibrational impacts from air tour overflights would be minimal. This all supports the FAA's determination that implementation of the Proposed Action would not constitute a constructive use of Section 4(f) resources in the study area.

⁶ Per FAA Order 1050.1F, the FAA refers to noise changes meeting the following criteria as "reportable": for DNL 65 dB and higher, \pm DNL 1.5 dB; for DNL 60 dB to <65 dB, \pm DNL 3 dB; for DNL 45 dB to <60 dB, \pm DNL 5 dB. See 1050.1F Desk Reference, Section 11.3.

Visual Impacts Analysis

The ATMP would not substantially impair Section 4(f) resources within the study area because there would be no measurable change in visual effects from existing conditions. The level of commercial air tour activity under the ATMP will remain the same. Recognizing that some types of Section 4(f) resources may be affected by visual effects of commercial air tours, the FAA and NPS considered the potential for the introduction of visual elements that could substantially diminish the significance or enjoyment of Section 4(f) resources in the study area. Aircraft are transitory elements in a scene and visual impacts tend to be relatively short. The short duration and low number of flights make it unlikely a Section 4(f) resource would experience a visual effect from the ATMP. One's perspective of or viewshed from a Section 4(f) resource is often drawn to the horizon and aircraft at higher altitudes are less likely to be noticed. Aircraft at lower altitudes may attract visual attention but are also more likely to be screened by vegetation or topography.

The ATMP includes a provision for the NPS to establish temporary no-fly periods for special events, such as tribal ceremonies or other similar events, with a minimum of one week notice to the operator. It represents an improvement over existing conditions where no such provision exists.

The ATMP limits the annual number of commercial air tours to 64 air tours and maintains the same route as is currently flown under existing conditions. Based on the three-year average of reporting data (2017-2019), under current conditions, people in the park are not likely to see more than one commercial air tour per day on a typical day during which air tours are conducted. During a typical year, there are 49-52 days during which commercial air tours are conducted at the Park, leaving the vast majority of days (over 300 annual days) free of commercial air tours.

Visual impacts to Section 4(f) resources will be similar to impacts currently occurring because the number of authorized flights under the ATMP will be the same as the average number of flights from 2017-2019, and the route will remain the same as compared to existing conditions. The ATMP would not introduce visual elements that would diminish the integrity of a Section 4(f) resource.

Preliminary Finding

The FAA has preliminarily determined the ATMP would not substantially diminish the protected activities, features, or attributes of the Section 4(f) resources in the study area. There is no anticipated change in visual and noise impacts over existing conditions as a result of the ATMP. Moreover, the noise analysis indicated that there would be no significant impact or reportable increase from implementation of the ATMP. The ATMP would not result in substantial impairment of Section 4(f) resources; therefore, based on the analysis above, FAA intends to make a determination of no constructive use of Lions Park, Rains Park, and Webster's Woods Art Park. We request that you review this information and respond with any concerns or need for further consultation on the FAA's proposed no substantial impairment finding within fourteen days of receiving this letter.

Should you have any questions regarding any of the above, please contact Eric Elmore at 202-267-8335 or eric.elmore@faa.gov and copy the ATMP team at ATMPTeam@dot.gov.

Sincerely,

ERIC M
ELMORE

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Eric Elmore
Senior Policy Advisor
Office of Environment and Energy
Federal Aviation Administration

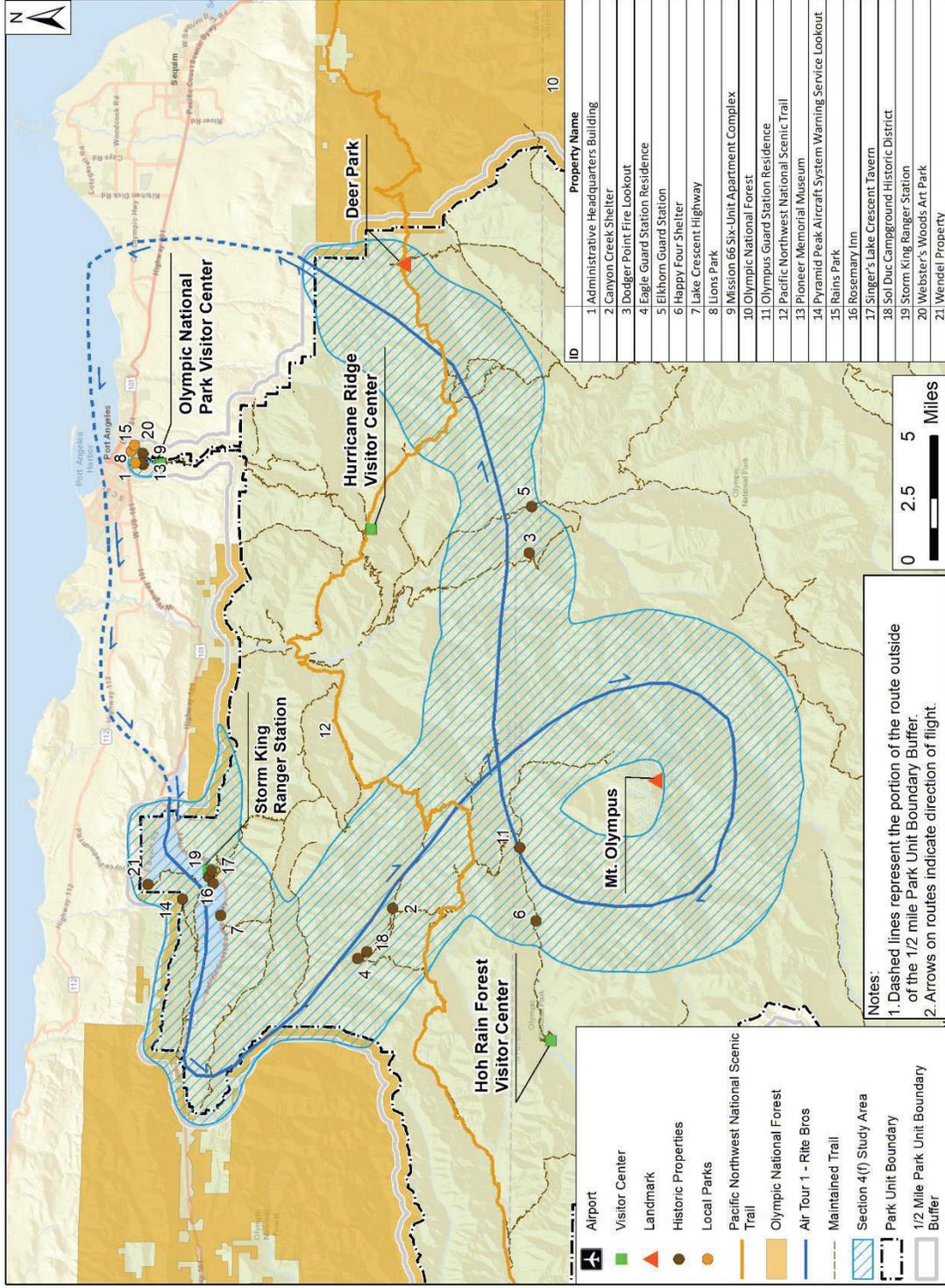
Attachments

- A. Map including proposed Commercial Air Tour Routes, Section 4(f) Study Area, and Section 4(f) Resources

ATTACHMENT A

Map of Proposed Commercial Air Tour Routes, Section 4(f) Study Area, and Section 4(f) Resources

Section 4(f) Study Area and Properties for ATMP at Olympic National Park



From: Corey Delikat <Cdelikat@cityofpa.us>
Sent: Thursday, June 9, 2022 2:37 PM
To: ATMPTeam
Cc: Elmore, Eric <FAA>
Subject: RE: Section 4(f) Consultation – Air Tours at Olympic National Park - Lions Park, Rains Park, and Webster’s Woods Art Park

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello ATMP Team:

The City does not have any concerns with your proposed plan.

Corey Delikat

Parks & Recreation Director | Port Angeles Parks & Recreation

308 East 4th Street

Port Angeles, WA 98362

D: (360) 417-4551 | Admin (Jessica): (360) 417-4550 | F: (360) 417-4559

Website | www.cityofpa.us

[Connect with Port Angeles Parks & Recreation on Facebook!](#)



From: ATMPTeam <ATMPTeam@dot.gov>
Sent: Tuesday, June 7, 2022 11:40 AM
To: Corey Delikat <Cdelikat@cityofpa.us>
Cc: Elmore, Eric <FAA> <eric.elmore@faa.gov>; ATMPTeam <ATMPTeam@dot.gov>
Subject: Section 4(f) Consultation – Air Tours at Olympic National Park - Lions Park, Rains Park, and Webster’s Woods Art Park

Dear Corey Delikat,

The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS), is developing an Air Tour Management Plan (ATMP) for the Olympic National Park (Park). The FAA is preparing documentation for the ATMP in accordance with the National Parks Air Tour Management Act (NPATMA) and other applicable laws, including Section 4(f) of the U.S. Department of Transportation Act (Section 4(f)). The purpose of the attached letter is to coordinate with you on FAA’s preliminary findings related to the ATMP’s potential impacts to Lions Park, Rains Park, and Webster’s Woods Art Park, which are protected properties under Section 4(f).

We request that you review the attached letter and respond with any concerns or need for further consultation on the FAA's proposed no substantial impairment finding within fourteen days of receiving this email.

Should you have any questions regarding any of the above, please contact Eric Elmore at 202-267-8335 or eric.elmore@faa.gov and copy the ATMP team at ATMPTeam@dot.gov.

NOTICE: This email and any attachments may be subject to disclosure as a public record under the Public Records Act, RCW Chapter 42.56



U.S. Department
of Transportation
**Federal Aviation
Administration**

United States Department of Transportation
FEDERAL AVIATION ADMINISTRATION
Office of Policy, International Affairs & Environment
Office of Environment and Energy

NATIONAL PARKS AIR TOUR MANAGEMENT PROGRAM

June 7, 2022

Re: Consultation under Section 4(f) of the U.S. Department of Transportation Act (49 U.S.C. § 303) for the development of an Air Tour Management Plan for Olympic National Park

Becky Blanchard
U.S. Forest Service
1220 SW 3rd Ave
Portland, OR 97204

Dear Becky Blanchard:

The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS), is developing an Air Tour Management Plan (ATMP) for the Olympic National Park (Park). The FAA is preparing documentation for the ATMP in accordance with the National Parks Air Tour Management Act (NPATMA) and other applicable laws, including Section 4(f) of the U.S. Department of Transportation Act (Section 4(f)). The purpose of this letter is to coordinate with you on FAA's preliminary findings related to the ATMP's potential impacts to the Pacific Northwest National Scenic Trail, which is a protected property under Section 4(f).

Project Background and Purpose of the Action

NPATMA (Public Law 106-181, codified at 49 U.S.C. § 40128) of 2000, directs the agencies to develop ATMPs for commercial air tour operations over units of the national park system. A commercial air tour operation is defined as "a flight conducted for compensation or hire in a powered aircraft where the purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of a national park or over tribal lands, during which the aircraft flies below an altitude of 5,000 feet (ft.) above ground level (AGL) or less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary)." When NPATMA was passed in 2000, existing air tour operators were permitted to continue air tour operations in parks until an ATMP was completed. To facilitate this continued use, FAA issued Interim Operating Authority (IOA) to existing air tour operators. IOA set an annual limit of the number of flights per operator for each park. In 2012, NPATMA was amended by Congress to, among other things, require operators to report the number of flights conducted on a quarterly interval each year. On February 14, 2019, Public Employees for Environmental Responsibility and the Hawai'i Coalition Malama Pono filed a petition for writ of mandamus seeking to have the agencies complete air tour management plans or voluntary agreements at seven specified parks, In re Public Employees for Environmental Responsibility, et al., Case No. 19-1044 (D.C. Cir.). On May 1, 2020, the United States Court of Appeals for the District of Columbia Circuit granted the petition and

ordered the agencies to file a proposed schedule for bringing twenty-three eligible parks, including Olympic National Park, into compliance with NPATMA within two years. The agencies submitted a plan to complete all ATMPs to the court on August 31, 2020.

Section 4(f) is applicable to historic sites and publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, State, or local significance that may be impacted by transportation programs or projects carried out by the U.S. Department of Transportation (USDOT) and its operating administrations, including the FAA. Section 4(f) of the Department of Transportation Act (codified at 49 U.S.C. § 303(c)), states that, subject to exceptions for *de minimis* impacts:

“... the Secretary may approve a transportation program or project...requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if –

1. There is no prudent and feasible alternative to using that land; and
2. The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.”

The term “use” refers to both direct (physical) and indirect (constructive) impacts to Section 4(f) resources. A physical use involves the physical occupation or alteration of a Section 4(f) resource, while constructive use occurs when a proposed action results in substantial impairment of a resource to the degree that the activities, features, or attributes of the resource that contribute to its significance or enjoyment are substantially diminished. Under the ATMP, potential impacts to Section 4(f) resources from commercial air tours may include noise from aircraft within the acoustic environment, as well as visual impacts.

Description of the Proposed Action

The FAA and the NPS (collectively, the agencies) are developing ATMPs for 24 parks,¹ including the Olympic National Park. The ATMPs are being developed in accordance with NPATMA. Each ATMP is unique and therefore, each ATMP is being assessed individually under Section 4(f).

Commercial air tours have been operating intermittently over the Park for over 20 years. Since 2005, these air tours have been conducted pursuant to IOA issued by FAA in accordance with NPATMA. IOA does not provide any operating conditions (e.g., routes, altitudes, time of day, etc.) for air tours other than a limit of 76 air tours per year. The ATMP will replace IOA.

The FAA and the NPS have documented the existing conditions for commercial air tour operations at the Park. The FAA and the NPS consider the existing operations for commercial air tours to be an average of 2017-2019 annual air tours flown, which is 64 air tours. The agencies decided to use a three-year average because it reflects the most accurate and reliable air tour conditions based on available

¹ On March 4, 2021, the NPS notified the FAA that an air tour management plan was necessary to protect Muir Woods National Monument’s resources and values and withdrew the exemption for the that park. The agencies are now proceeding with ATMPs for 24 parks instead of 23.

operator reporting, and accounts for variations across multiple years, excluding more recent years affected by the COVID 19 pandemic.²

The proposed action is implementing the ATMP at the Park. The following elements of the ATMP are included for the Park:

- A maximum of 64 commercial air tour is authorized per year on the route(s) depicted in **Attachment A**;
- Air tours will fly no lower than 2,000 to 3,000 ft. above ground level (AGL) when over the Park or within ½ mile of its boundary;
- The aircraft types authorized for the commercial air tour includes: CE-172-K, CE-172-N, CE-206-TU206F, CE-206-U206A. Any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced;
- The air tours may operate between two hours after sunrise and two hours before sunset, except as provided by the quiet technology incentive. The NPS can establish temporary no-fly periods that apply to commercial air tours for special events or planned Park management.
- The operator is required to install and use flight monitoring technology on all authorized commercial air tours, and to include flight monitoring data in their semi-annual reports to the agencies, along with the number of commercial air tours conducted;
- When made available by Park staff, the operator/pilot may take at least one training course per year conducted by the NPS. The training will include Park information that the operator can use to further their own understanding of Park priorities and management objectives as well as enhance the interpretive narrative for air tour clients and increase understanding of parks by air tour clients;
- At the request of either of the agencies, the Park staff, the FAA Flight Standards District Office (FSDO), and the operator may meet once per year to discuss the implementation of this ATMP and any amendments or other changes to the ATMP. This annual meeting could be conducted in conjunction with any required annual training; and
- For situational awareness when conducting tours of the Park, the operator will utilize frequency 122.8 and report when they enter and depart a route. The pilot should identify their company, aircraft, and route to make any other aircraft in the vicinity aware of their position.

The FAA and the NPS are both responsible for monitoring and oversight of the ATMP.

Section 4(f)

The study area for considering Section 4(f) resources for the ATMP consists of the commercial air tour route over the Park and ½ mile outside the boundary of the Park, plus an additional five-mile buffer extending from either side of the centerline of the air tour route (the buffer is a total of ten miles wide). The study area for Section 4(f) resources also corresponds with the Area of Potential Effects (APE) used for compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (Section 106) for the Park. See **Attachment A** for a depiction of the Section 4(f) study area. Historic properties were identified as part of the Section 106 consultation process. Parks, recreational areas, and wildlife and waterfowl refuges were identified using public datasets from Federal, State, and local sources, which

² Altitude expressed in units above ground level (AGL) is a measurement of the distance between the ground surface and the aircraft, whereas altitude expressed in median sea level (MSL) refers to the altitude of aircraft above sea level, regardless of the terrain below it. Aircraft flying at a constant MSL altitude would simultaneously fly at varying AGL altitudes, and vice versa, assuming uneven terrain is present below the aircraft.

included the U.S. Geological Survey, the Washington State Departments of Fish and Wildlife and of Parks and Recreation, and the City of Port Angeles. Each resource that intersected the study area (i.e., some portion of the property fell within the buffer around the route) was included in the Section 4(f) analysis.

Potential Use of Section 4(f) Resources

Evaluating potential impacts to Section 4(f) resources focuses on changes in aircraft noise exposure and visual effects resulting from implementing the ATMP. A constructive use of a Section 4(f) resource would occur if there was a substantial impairment of the resource to the degree that the activities, features, or attributes of the site that contribute to its significance or enjoyment are substantially diminished. This could occur as a result of both visual and noise impacts. The FAA evaluated the Section 4(f) resources for potential noise (including vibration) and visual impacts to determine if there was substantial impairment to Section 4(f) resources due to the ATMP that might result in a constructive use.

Noise Impacts Analysis

The FAA’s noise evaluation is based on Day Night Average Sound Level Average Annual Day (Ldn or DNL), the cumulative noise energy exposure from aircraft. As part of the ATMP noise analysis, the NPS provided supplemental metrics to assess the impact of commercial air tours on visitor experience in quiet settings, including noise sensitive areas of Section 4(f) resources. The metrics and acoustical terminology considered for the Section 4(f) noise analysis are shown in the table below.

Metric	Relevance and citation
Day-night average sound level, DNL	<p>The logarithmic average of sound levels, in dBA, over a 24-hour day DNL takes into account the increased sensitivity to noise at night by including a ten dB penalty between 10 p.m. and 7 a.m. local time.</p> <p>The FAA’s indicators of significant impacts are for an action that would increase noise by DNL 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65 dB level due to a DNL 1.5 dB or greater increase, when compared to the no action alternative for the same timeframe.³</p>
Equivalent sound level, $L_{Aeq, 12hr}$	<p>The logarithmic average of commercial air tour sound levels, in dBA, over a 12-hour day. The selected 12-hour period is 7 a.m. to 7 p.m. to represent typical daytime commercial air tour operating hours.</p> <p>Note: Both $L_{Aeq, 12hr}$ and DNL and characterize:</p> <ul style="list-style-type: none"> • Increases in both the loudness and duration of noise events • The number of noise events during specific time period (12 hours for $L_{Aeq, 12hr}$ and 24-hours for DNL)

³ FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, Exhibit 4-1

	However, DNL takes into account the increased sensitivity to noise at night by including a ten dB penalty between 10 p.m. and 7 a.m. local time. If there are no nighttime events, $L_{Aeq, 12hr}$ will be three dB higher than DNL.
Maximum sound level, L_{max}	The loudest sound level, in dBA, generated by the loudest event; it is event-based and is independent of the number of operations. L_{max} does not provide any context of frequency, duration, or timing of exposure.
Time Above 35 dBA ⁴	The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 35 dBA) In quiet settings, outdoor sound levels exceeding 35 dB degrade experience in outdoor performance venues (ANSI 12.9-2007, Quantities And Procedures For Description And Measurement Of Environmental Sound – Part 5: Sound Level Descriptors For Determination Of Compatible Land Use); Blood pressure increases in sleeping humans (Haralabidis et al., 2008); maximum background noise level inside classrooms (ANSI/ASA S12.60/Part 1-2010, Acoustical Performance Criteria, Design Requirements, And Guidelines For Schools, Part 1: Permanent Schools).
Time Above 52 dBA	The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 52 dBA) This metric represents the level at which one may reasonably expect interference with Park interpretive programs. At this background sound level (52 dB), normal voice communication at five meters (two people five meters apart), or a raised voice to an audience at ten meters would result in 95% sentence intelligibility. ⁵

For aviation noise analyses under the National Environmental Policy Act (NEPA), the FAA determines the cumulative noise energy exposure of individuals resulting from aviation activities in terms of the Average Annual Day (AAD). However, because ATMP operations in the park occur at low annual operational levels and are highly seasonal in nature, the FAA determined that a peak day representation of the operations would more adequately allow for disclosure of any potential impacts. A peak day has therefore been used as a conservative representation of assessment of AAD conditions required by FAA policy.

This provides a conservative evaluation of potential noise impacts to park resources, as well as Section 4(f) resources, under the ATMP, as the AAD will always reflect fewer commercial air tour operations than a peak day. The 90th percentile day was identified for representation of a peak day and derived

⁴ dBA (A-weighted decibels): Sound is measured on a logarithmic scale relative to the reference sound pressure for atmospheric sources, 20 μ Pa. The logarithmic scale is a useful way to express the wide range of sound pressures perceived by the human ear. Sound levels are reported in units of decibels (dB) (ANSI S1.1-1994, American National Standard Acoustical Terminology). A-weighting is applied to sound levels in order to account for the sensitivity of the human ear (ANSI S1.42-2001, Design Response of Weighting Networks for Acoustical Measurements). To approximate human hearing sensitivity, A-weighting discounts sounds below 1 kHz and above 6 kHz.

⁵ Environmental Protection Agency. Information on Levels of Noise Requisite to Protect the Public Health and Welfare with an Adequate Margin of Safety, March 1974.

from the busiest year of commercial air tour activity from 2017-2019, based on the total number of commercial air tour operations and total flight miles over the Park. It was then further assessed for the type of aircraft and route flown to determine if it is a reasonable representation of the commercial air tour activity at the Park. For the Park, the 90th percentile day was identified as two flights on the route authorized by the ATMP.

The noise was modeled for the acoustic indicators in the table above and 90th percentile day using the Federal Aviation Administration's Aviation Environmental Design Tool (AEDT) version 3d. The noise was modeled at points spaced every 0.25 nautical mile throughout the potentially affected area.

The noise analysis indicates that the ATMP would not result in any noise impacts that would be "significant," as described in the table above, or "reportable" under FAA's policy for the NEPA.⁶ Under the ATMP, there are no changes to the route or number of commercial air tours as compared with existing conditions. The resultant DNL due to the ATMP is expected to be below DNL 45 dBA and does not cause any reportable noise as there is no expected increase or change in noise from the ATMP.

Evaluation of the NPS supplemental metrics show that impacts to Section 4(f) resources would be similar to impacts currently occurring because the number of authorized flights under the ATMP would be the same as or less than the average number of flights from 2017 to 2019.

- On days when commercial air tours will occur, noise levels above 35 dBA (an indicator used by NPS to assess the potential for degradation of the natural sound environment) will occur for less than ten minutes a day in areas directly beneath and adjacent to the route.
- On days when commercial air tours will occur, noise levels above 52 dBA (which is associated with speech interference) will occur for less than five minutes in several small areas directly beneath and adjacent to the route, including a small portion of the Pacific Northwest National Scenic Trail.

In addition, the ATMP limits the operation of commercial air tours from two hours after sunrise until two hours before sunset, or from one hour after sunrise until one hour before sunset for operators that have converted to quiet technology aircraft, which provides times when visitors seeking solitude may experience the Section 4(f) resources without disruptions from commercial air tours. Collectively, these changes from existing operations and their effect on the current use of Section 4(f) resources will likely result in beneficial impacts to the Section 4(f) resources.

A review of the potential for vibrational impacts on historic buildings, parklands, and forests suggests that the potential for damage resulting from fixed-wing propeller aircraft overflights is minimal, as the fundamental blade passage frequency is well above the natural frequency of these structures. Additionally, the vibration amplitude of these overflights at the altitudes prescribed in the ATMP will be well below recommended limits.

As a result, FAA concludes there would be no substantial impairment of Section 4(f) resources in the study area from noise-related and vibrational effects by the implementation of the ATMP. The ATMP would not result in significant or reportable increase in noise at the Park and the ATMP will likely

⁶ Per FAA Order 1050.1F, the FAA refers to noise changes meeting the following criteria as "reportable": for DNL 65 dB and higher, \pm DNL 1.5 dB; for DNL 60 dB to <65 dB, \pm DNL 3 dB; for DNL 45 dB to <60 dB, \pm DNL 5 dB. See 1050.1F Desk Reference, Section 11.3.

provide beneficial impacts to Section 4(f) resources. Likewise, vibrational impacts from air tour overflights would be minimal. This all supports the FAA's determination that implementation of the Proposed Action would not constitute a constructive use of Section 4(f) resources in the study area.

Visual Impacts Analysis

The ATMP would not substantially impair Section 4(f) resources within the study area because there would be no measurable change in visual effects from existing conditions. The level of commercial air tour activity under the ATMP will remain the same. Recognizing that some types of Section 4(f) resources may be affected by visual effects of commercial air tours, the FAA and NPS considered the potential for the introduction of visual elements that could substantially diminish the significance or enjoyment of Section 4(f) resources in the study area. Aircraft are transitory elements in a scene and visual impacts tend to be relatively short. The short duration and low number of flights make it unlikely a Section 4(f) resource would experience a visual effect from the ATMP. One's perspective of or viewshed from a Section 4(f) resource is often drawn to the horizon and aircraft at higher altitudes are less likely to be noticed. Aircraft at lower altitudes may attract visual attention but are also more likely to be screened by vegetation or topography.

The ATMP includes a provision for the NPS to establish temporary no-fly periods for special events, such as tribal ceremonies or other similar events, with a minimum of one week notice to the operator. It represents an improvement over existing conditions where no such provision exists.

The ATMP limits the annual number of commercial air tours to 64 air tours and maintains the same route as is currently flown under existing conditions. Based on the three-year average of reporting data (2017-2019), under current conditions, people in the park are not likely to see more than one commercial air tour per day on a typical day during which air tours are conducted. During a typical year, there are 49-52 days during which commercial air tours are conducted at the Park, leaving the vast majority of days (over 300 annual days) free of commercial air tours.

Visual impacts to Section 4(f) resources will be similar to impacts currently occurring because the number of authorized flights under the ATMP will be the same as the average number of flights from 2017-2019, and the route will remain the same as compared to existing conditions. The ATMP would not introduce visual elements that would diminish the integrity of a Section 4(f) resource.

Preliminary Finding

The FAA has preliminarily determined the ATMP would not substantially diminish the protected activities, features, or attributes of the Section 4(f) resources in the study area. There is no anticipated change in visual and noise impacts over existing conditions as a result of the ATMP. Moreover, the noise analysis indicated that there would be no significant impact or reportable increase from implementation of the ATMP. The ATMP would not result in substantial impairment of Section 4(f) resources; therefore, based on the analysis above, FAA intends to make a determination of no constructive use of the Pacific Northwest National Scenic Trail. We request that you review this information and respond with any concerns or need for further consultation on the FAA's proposed no substantial impairment finding within fourteen days of receiving this letter.

Should you have any questions regarding any of the above, please contact Eric Elmore at 202-267-8335 or eric.elmore@faa.gov and copy the ATMP team at ATMPTeam@dot.gov.

Sincerely,

ERIC M
ELMORE

Digitally signed by ERIC
M ELMORE
Date: 2022.06.07
00:27:31 -04'00'

Eric Elmore
Senior Policy Advisor
Office of Environment and Energy
Federal Aviation Administration

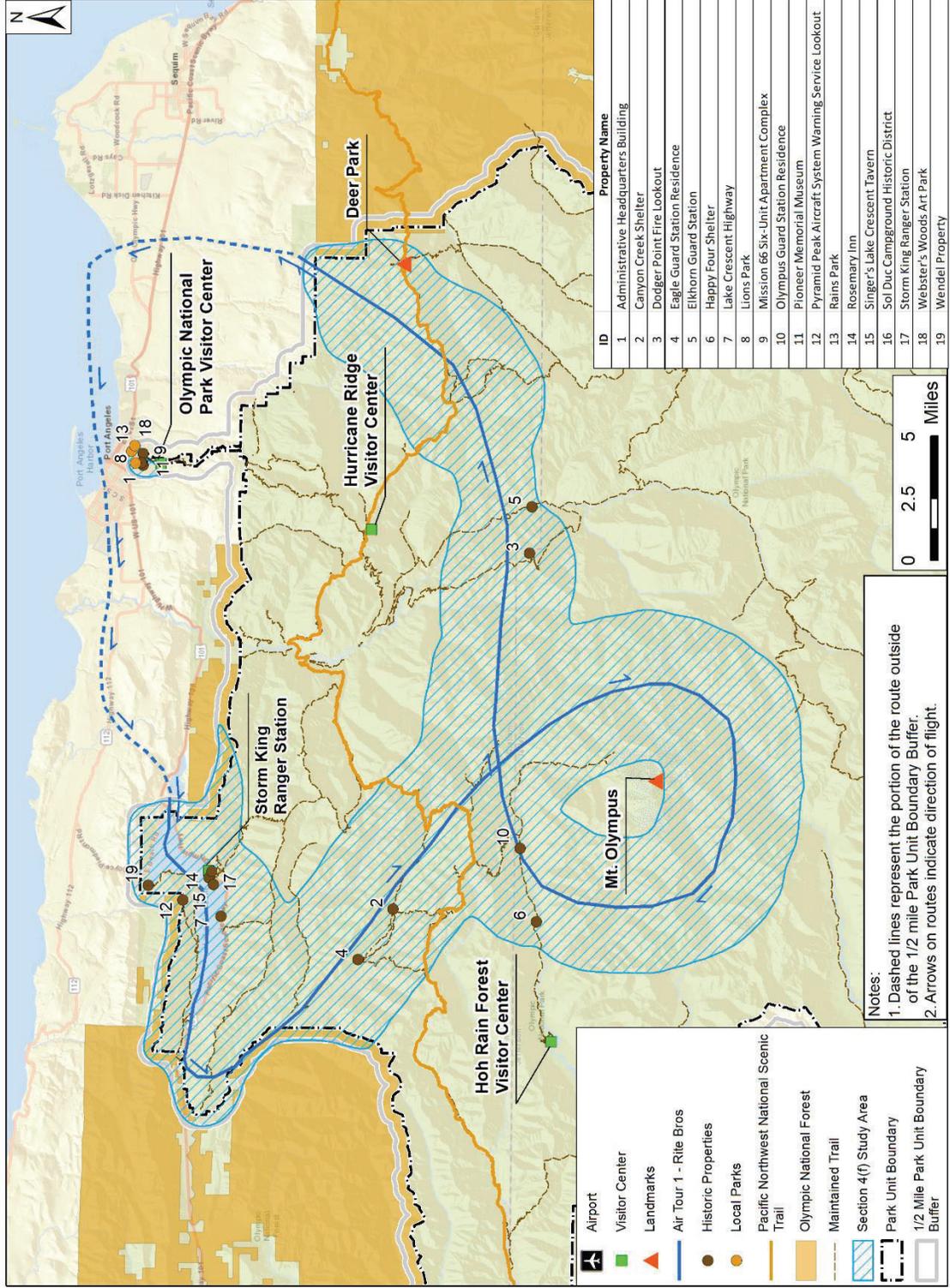
Attachments

- A. Map including proposed Commercial Air Tour Routes, Section 4(f) Study Area, and Section 4(f) Resources

ATTACHMENT A

Map of Proposed Commercial Air Tour Routes, Section 4(f) Study Area, and Section 4(f) Resources

Section 4(f) Study Area and Properties for ATMP at Olympic National Park



APPENDIX E

Olympic National Park Air Tour Management
Plan Section 7 Endangered Species Act No
Effect Determination
(No Effect Determination Memorandum)



United States Department of the Interior
NATIONAL PARK SERVICE
Natural Resource Stewardship & Science
Natural Sounds and Night Skies Division



U.S. Department
of Transportation
**Federal Aviation
Administration**

United States Department of Transportation
FEDERAL AVIATION ADMINISTRATION
Office of Policy, International Affairs & Environment
Office of Environment and Energy

NATIONAL PARKS AIR TOUR MANAGEMENT PROGRAM

June 28, 2022

**Re: Olympic National Park Air Tour Management Plan
Section 7 Endangered Species Act No Effect Determination**

The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS) (collectively, the agencies), is developing an Air Tour Management Plan (ATMP) for Olympic National Park (the Park). The agencies are preparing documentation for the ATMP in accordance with the National Parks Air Tour Management Act and other applicable laws. This memorandum documents the agencies' *No Effect* determination associated with the proposed action for the purpose of compliance with Section 7 of the Endangered Species Act (the Act).

Action Area and Description of Proposed Action

The action area includes the Park and the land within a ½-mile boundary from the Park depicted in Figure 1. This area encompasses all of the effects of the proposed action. The ATMP applies to all commercial air tours over the Park and commercial air tours within ½ mile outside the boundary of the Park. A commercial air tour subject to the ATMP is any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over the Park, during which the aircraft flies:

- (1) Below 5,000 feet above ground level (except solely for the purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the FAA requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or
- (2) Less than one mile laterally from any geographic feature within the Park (unless more than ½-mile outside the Park boundary).

The proposed action is implementation of an ATMP for the Park which establishes the following conditions for the management of commercial air tour operations.

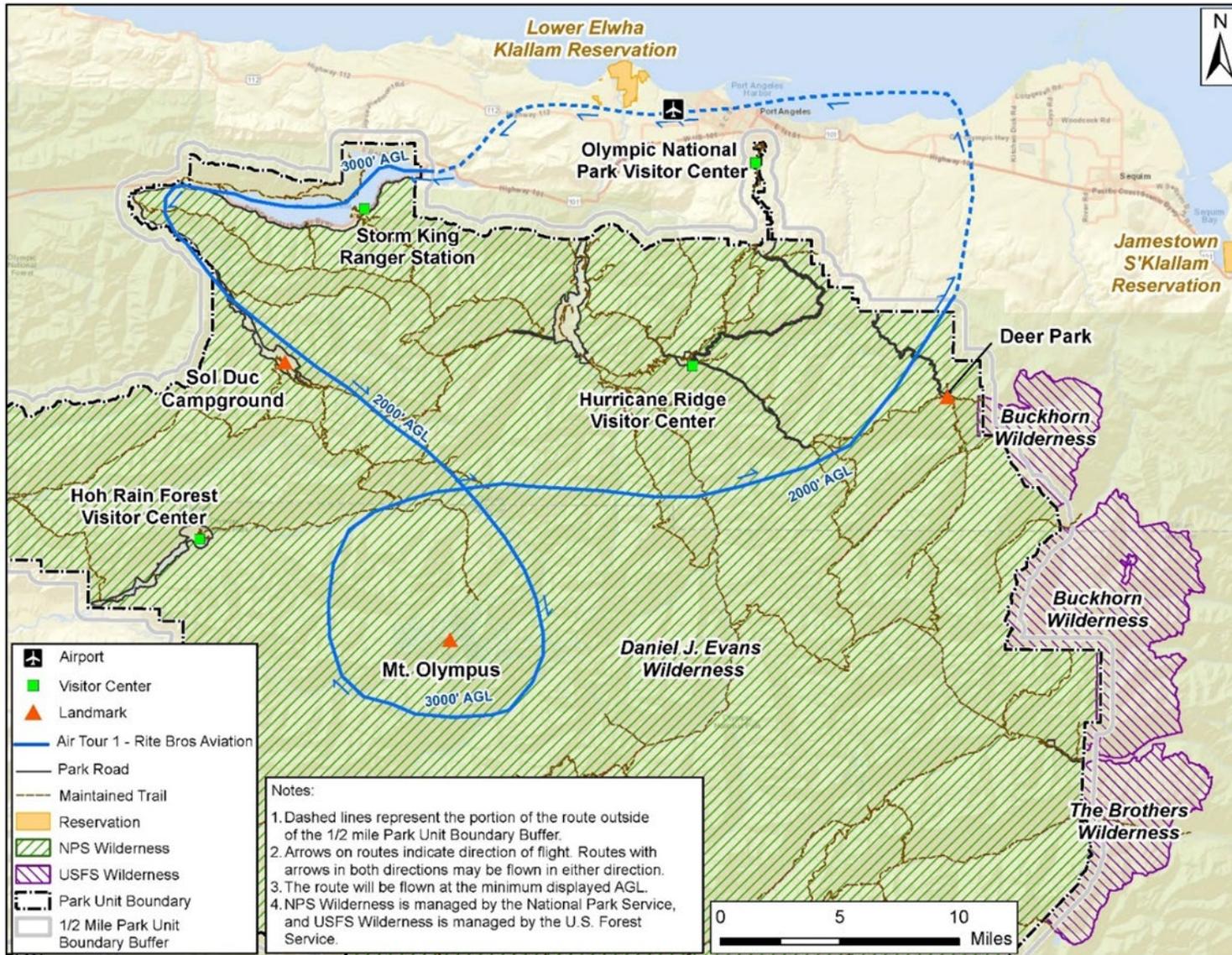


Figure 1 Commercial Air Tour Routes at OLYM

Annual Commercial Air Tours Authorized

The ATMP authorizes 64 commercial air tours per year.

Commercial Air Tour Routes and Altitudes

The ATMP implements the designated routes and minimum altitudes above ground level (AGL) that commercial air tours are required to fly (See Figure 1). The ATMP requires commercial air tour operators to fly no lower than 2,000 ft. to 3,000 ft. above ground level (AGL), depending on location over the Park. In addition, no take off or landings would occur within the Park. All flights will begin more than ½ mile outside of the Park boundary.

Day/Time

Under the proposed action, unless an operator uses quiet technology aircraft, flights may begin two hours after sunrise or may end two hours before sunset, as defined by the National Oceanic and Atmospheric Administration (NOAA).¹ This proposed window of operation would provide additional protection to wildlife during critical dusk/dawn periods that are prime times of day for foraging, mating, and communication.

Required Reporting

As part of the ATMP, commercial air tour operators are required to equip all aircraft used for commercial air tours with flight monitoring technology and to submit these tracking data to the agencies. Operators are also required to submit semi-annual reports confirming the number of commercial air tours conducted over the Park and implementation of the ATMP flight parameters.

The requirements to equip aircraft 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 are necessary to enable the agencies to appropriately monitor operations and ensure compliance with this ATMP.

Quiet Technology Incentives

The ATMP incentivizes the adoption of quiet technology aircraft by commercial air tour operators conducting commercial air tours over the Park. Operators that have converted to quiet technology aircraft, or are considering converting to quiet technology aircraft, may request to be allowed to conduct air tours beginning one hour after sunrise until one hour before sunset on all days that flights are authorized.

Listed Species Evaluated for Effects

The U.S. Fish and Wildlife Service's Information Planning and Consultation (IPaC) tool was used to determine the potential for any federal threatened and endangered species or designated critical habitat that may occur within the action area. Species that may occur within OLYM are listed in Table 1 below.

¹ Sunrise and sunset data is available from the NOAA Solar Calculator, <https://www.esrl.noaa.gov/gmd/grad/solcalc/>

The proposed action does not involve ground-disturbing activities or other activities with the potential to impact aquatic or terrestrial habitat. Therefore, flowering plants and fish species will not be impacted by commercial air tours.

The agencies analyzed potential impacts for all listed species with suitable habitat within the park with a focus on two species marbled murrelet (*Brachyramphus marmoratus*) and northern spotted owl (*Strix occidentalis caurina*). The marbled murrelet and northern spotted owl are both noise sensitive listed species associated with the Park. Northern spotted owls and marbled murrelets are likely to be disrupted by loud noises that occur in close proximity to an active nest or when the activity occurs within the line-of-sight of the nesting birds. Sound generating activities located within close proximity of occupied nest sites or unsurveyed suitable habitat during the early breeding and nesting season have the potential to adversely affect marbled murrelets and northern spotted owls².

The nesting season for northern spotted owls is from March 15 to September 30. Marbled murrelet nesting season occurs from April 1 to September 23. The Park has high priority habitat and a record of northern spotted owl and marbled murrelet presence and nesting indicators. The Park contains approximately 494,630 acres of suitable spotted owl habitat, which extends up to an elevation of about 4,000 feet. Marbled murrelet habitat includes suitable forested areas within 55 miles of coastal waters. There are approximately 327,000 acres of potential murrelet nesting habitat in the park extending up to an elevation of about 4,000 feet. During the nesting season, murrelets make daily flights from coastal waters to their inland nests to feed nestlings. The period during dawn and dusk is a peak activity time for feeding exchanges between murrelets and their nesting young (including approximately two-hours after sunrise and two hours before sunset).

The minimum altitudes of 2,000-3,000 ft. AGL are consistent with the avoidance recommendations (USFWS 2013) for marbled murrelets and northern spotted owls' habitats (no closer than 0.25 mile/1,320 feet by small fixed-wing aircraft)³. Based on the Noise Technical Analysis conducted by the agencies, the maximum noise levels (see Figure 2) would likely not exceed 60 decibels (dB) at 2,000 ft. AGL at any given point along the route when the air tour occurs, which is below the sound-only injury threshold of 92 dB for northern spotted owls (USFWS 2013). There will be no landing or long-lining within the Park boundary or within ½ mile of the Park boundary. In addition, the measure which requires commercial air tours only be conducted between two hours after sunrise until two hours before sunset, further avoids potential disruption to marbled murrelets during peak activity periods for feeding and incubation exchanges during the nesting season (April 1 through September 23).

The ATMP implements a fixed route, sets minimum altitudes, and limits the annual number of air tours which limits the duration and density of noise. These mitigations, applied to the flights authorized under the ATMP, will result in air tours having no effect on these species.

² USFWS. 2013. Biological opinion for effects to northern spotted owls, critical habitat for northern spotted owls, marbled murrelets, critical habitat for marbled murrelets, bull trout, and critical habitat for bull trout from selected programmatic forest management activities March 25, 2013 to December 31, 2023 on the Olympic National Forest, Washington. USFWS Reference: 13410-2009-F-0388. U.S. Fish and Wildlife Service, Washington Fish and Wildlife Office, Lacey, WA. 404 pp.

³ Biological Opinion for the Olympic National Park General Management Plan and Ongoing Programmatic Park Management Activities 2008-2012 (as extended through December 31, 2021); USFWS Reference: 13410-2007-F-0644 (originally published June 2008).

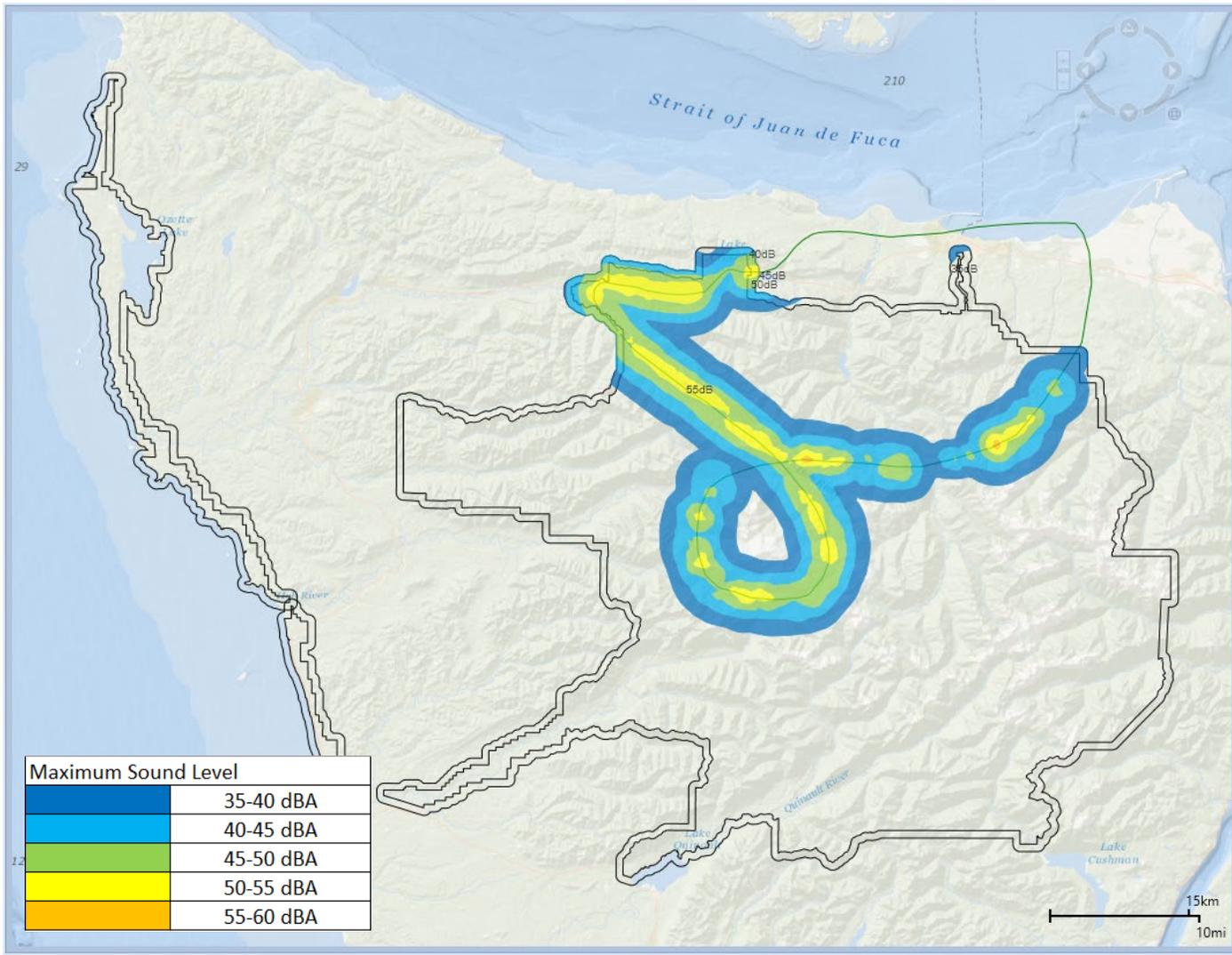


Figure 2 Maximum Sound Levels at the Park

Table 1. Listed Species in the Action Area with No Effect Determination

Mammal Common Name	Mammal Scientific Name	Mammal Status (Federal)	Mammal Critical Habitat (Y/N)	Mammal Occurrence in the Park⁴
Orca Whale	<i>Orcinus orca</i>	Endangered	N	Present
Bird Common Name	Bird Scientific Name	Bird Status (Federal)	Bird Critical Habitat (Y/N)	Bird Occurrence in the Park Park⁴
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	Threatened	N	Unknown
Marbled Murrelet	<i>Brachyramphus marmoratus</i>	Threatened	Y	Present
Northern Spotted Owl	<i>Strix occidentalis caurina</i>	Threatened	Y	Present
Streaked Horned Lark	<i>Eremophila alpestris strigata</i>	Threatened	N	Unknown
Short-tailed Albatross	<i>Phoebastria (=Diomedea) albatrus</i>	Endangered	N	Unknown
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	Threatened	N	Unknown
Fish Common Name	Fish Scientific Name	Fish Status (Federal)	Fish Critical Habitat (Y/N)	Fish Occurrence in the Park Park⁴
Bull Trout	<i>Salvelinus confluentus</i>	Threatened	Y	Present
Dolly Varden	<i>Salvelinus malma</i>	PSAT ⁵	N	Present
Insect Common Name	Insect Scientific Name	Insect Status (Federal)	Insect Critical Habitat (Y/N)	Insect Occurrence in the Park Park⁴
Monarch Butterfly	<i>Danaus plexippus</i>	Candidate	N	Unknown
Taylor's Checkerspot	<i>Euphydryas editha taylori</i>	Endangered	Y	Unknown
Flowering Plant Common Name	Flowering Plant Scientific Name	Flowering Plant Status (Federal)	Flowering Plant Critical Habitat (Y/N)	Flowering Plant Occurrence in the Park Park⁴
Golden Paintbrush	<i>Castilleja levisecta</i>	Threatened	N	Unknown
Conifer and Cycad Common Name	Conifer and Cycad Scientific Name	Conifer and Cycad Status (Federal)	Conifer and Cycad Critical Habitat (Y/N)	Conifer and Cycad Occurrence in the Park Park⁴
Whitebark Pine	<i>Pinus albicaulis</i>	Proposed Threatened	N	Present

⁴ Based on NPS species list, <https://irma.nps.gov/NPSpecies/Search/SpeciesList>

⁵ PSAT defined as *Proposed Similarity of Appearance to a Threatened Taxon* <https://ecos.fws.gov/ecp0/html/db-status.html>

Conclusion

No Effect means that there would be no consequences to listed species or their critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action.

While an individual aircraft flying on a designated route has the potential to generate noise of short duration and low intensity, the duration of disturbance to wildlife associated with the noise from a commercial air tour would be temporary and likely limited to no more than a few minutes when commercial air tours occur. Only 64 commercial air tours would occur annually, with no flights occurring on most days during the year. The ATMP also implements a fixed route, sets minimum altitudes, and requires additional conservation measures to protect listed species including northern spotted owl and marbled murrelets. Therefore, the ATMP results in no meaningful, measurable, or noticeable impact on the species listed in Table 1. In accordance with Section 7 of the ESA, the agencies have determined that the proposed project would have No Effect on threatened and endangered species or their critical habitats.

APPENDIX F

National Historic Preservation Act: Section 106 Compliance Documentation



U.S. Department
of Transportation
**Federal Aviation
Administration**

United States Department of Transportation
FEDERAL AVIATION ADMINISTRATION
Office of Policy, International Affairs & Environment
Office of Environment and Energy

NATIONAL PARKS AIR TOUR MANAGEMENT PROGRAM

April 8, 2022

Re: Section 106 Consultation and Finding of No Adverse Effect under Section 106 of the National Historic Preservation Act for the development of an Air Tour Management Plan for Olympic National Park (Project #: 2021-04-02384)

Dr. Allyson Brooks
State Historic Preservation Officer
Department of Archaeology and Historic Preservation
11100 South Capitol Way, Suite 30
Olympia, WA 98501

Dear Dr. Brooks:

Introduction

The Federal Aviation Administration (FAA), in coordination with the National Park Service (NPS), seeks to continue consultation with your office under Section 106 of the National Historic Preservation Act (NHPA) for the development of an Air Tour Management Plan (ATMP) for Olympic National Park (Park). At this time, the FAA requests your concurrence with its proposed finding that the undertaking would have no adverse effect on historic properties, in accordance with 36 CFR 800.5(c). On this date, we are also notifying all consulting parties of this proposed finding and providing the documentation below for their review.

In accordance with the requirements of 36 CFR 800.11(e), this letter describes the undertaking, including: changes that have occurred since the draft ATMP was issued to the public; the Area of Potential Effect (APE); a description of steps taken to identify historic properties; a description of affected historic properties in the APE and the characteristics that qualify them for the National Register of Historic Places (NRHP); and an explanation of why the criteria of adverse effect are inapplicable. This letter also describes the Section 106 consultation process and public involvement for this undertaking.

The FAA initiated Section 106 consultation with your office by letter dated March 29, 2021. In a follow-up letter dated July 30, 2021, we described the proposed undertaking in more detail, proposed a preliminary APE, and provided our initial list of historic properties identified within the APE. FAA conducted additional identification efforts and provided a revised list of historic properties in our most recent correspondence dated January 27, 2022. Similar letters were sent to all consulting parties; Section 106 consultation with tribes is described below. Public involvement for this undertaking was integrated with the National Parks Air Tour Management Act (NPATMA) process. We issued the draft

ATMP on July 29, 2021, in the Federal Register. The public comment period on the Draft ATMP was July 29, 2021, through August 28, 2021. A public meeting was held August 25, 2021.

The FAA and NPS received public comments about the potential noise and visual effects from commercial air tours. Several comments generally encouraged the agencies to comply with Section 106 of the NHPA. However, none of those commenters expressed specific concerns regarding such effects to historic properties.

The FAA and the NPS received comments from the public related to tribal concerns. One commenter noted support for a provision in the ATMP and suggested that the NPS can establish temporary no-fly periods that apply to air tours for special events or planned Park management. The commenter requested that the same language pertaining to tribal ceremonies or events should be included in all ATMPs, and ATMPs should be expanded to include tribal lands and sacred sites. Another commenter urged the inclusion of additional protections for Tribal cultural resources impacted by ATMPs, including the requirement of ongoing meaningful consultation with tribes whose lands and/or sacred sites fall within or near an ATMP, stating that it is critical that the NPS and FAA strictly protect Tribal sacred sites. The FAA and NPS have established no-fly periods that apply to air tours for special events or planned Park management within the ATMP. The FAA and NPS have also conducted additional tribal outreach in an attempt to engage with tribes interested in participating in Section 106 consultation for the undertaking. These additional efforts are described within this letter.

Description of the Undertaking

The FAA and the NPS are developing ATMPs for 24 parks, including Olympic National Park. The ATMPs are being developed in accordance with NPATMA. Each ATMP is unique and therefore, each ATMP is being assessed individually under Section 106.

Commercial air tours have been operating over Olympic National Park for over 20 years. Since 2005, these air tours have been conducted pursuant to interim operating authority (IOA) issued by FAA in accordance with NPATMA. IOA does not provide any operating conditions (e.g., routes, altitudes, time of day, etc.) for air tours other than an annual limit of 76 air tours per year. The ATMP will replace IOA.

The FAA and the NPS have documented the existing conditions for commercial air tour operations at the Park. The FAA and the NPS consider the existing operations for commercial air tours to be an average of 2017-2019 annual air tours flown, which is 64 air tours. The agencies decided to use a three-year average because it reflects the most accurate and reliable air tour conditions based on available operator reporting, and accounts for variations across multiple years, excluding more recent years affected by the COVID 19 pandemic. Commercial air tours currently are conducted using Cessna models 172-K, 172-N, TU206F, and U206A, which are all fixed-wing aircrafts. Commercial air tours are conducted on the route shown in **Attachment A**. Commercial air tour operations presently fly between 2,000 ft. and 3,000 ft. above ground level (AGL).¹

The undertaking for purposes of Section 106 is implementing the ATMP that applies to all commercial air tours over the Park and within ½ mile outside the boundary of the Park, including any tribal lands

¹ Altitude expressed in units above ground level (AGL) is a measurement of the distance between the ground surface and the aircraft, whereas altitude expressed in median sea level (MSL) refers to the altitude of aircraft above sea level, regardless of the terrain below it. Aircraft flying at a constant MSL altitude would simultaneously fly at varying AGL altitudes, and vice versa, assuming uneven terrain is present below the aircraft.

within that area. A commercial air tour subject to the ATMP is any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over the Park, or within ½ mile of the Park boundary, during which the aircraft flies:

- (1) Below 5,000 feet above ground level (except solely for the purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the FAA requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or
- (2) Less than one mile laterally from any geographic feature within the Park (unless more than ½ mile outside the Park boundary).

The undertaking was previously described in detail in our Section 106 consultation letter dated July 30, 2021. The following elements of the ATMP have remained unchanged since the issuance of the draft ATMP to the public.

- A maximum of 64 commercial air tours are authorized per year on the routes depicted in **Attachment A**;
- Air tours will fly no lower than 2,000 ft. and 3,000 ft. AGL depending on location, when over the Park or within ½ mile of the Park boundary;
- The aircraft type authorized for commercial air tours include Cessna models 172-K, 172-N, TU206F, and U206A. Any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced;
- Commercial air tours may operate two hours after sunrise until two hours before sunset, as defined by the National Oceanic and Atmospheric Administration (NOAA).² Air tours may operate any day of the year except under circumstances provided in the bullet below;
- The NPS can establish temporary no-fly periods that apply to commercial air tours for special events or planned Park management. Absent exigent circumstances or emergency operations, the NPS will provide a minimum of 15 days written notice to the operator for any restrictions that temporarily restrict certain areas or certain times of day, or 60 days written notice to the operator in advance of the no-fly period. Events may include tribal ceremonies or other similar events.;
- The operator is required 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.
- When made available by Park staff, the operator/pilot will take at least one training course per year conducted by the NPS. The training will include Park information that the operator can use to further their own understanding of Park priorities and management objectives as well as enhance the interpretive narrative for air tour clients and increase understanding of parks by air tour clients;
- At the request of either of the agencies, the Park staff, the local FAA Flight Standards District Office (FSDO), and the operator will meet once per year to discuss the implementation of the ATMP and any amendments or other changes to the ATMP. This annual meeting could be conducted in conjunction with any required annual training;

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

- For situational awareness when conducting tours of the Park, the operator will utilize frequency 122.8 and report when they enter and depart a route. The pilot should identify their company, aircraft, and route to make any other aircraft in the vicinity aware of their position; and

The FAA and the NPS are both responsible for monitoring and oversight of the ATMP. As a result of comments received from participating tribes and other consulting parties through the Section 106 process and from members of the public submitted through the draft ATMP public review, the following changes to the undertaking at the Park have been made:

A new subsection was added in response to questions and comments regarding the transferability of air tour allocations, or the assumption of allocations of commercial air tours by a successor corporation. The added language makes clear that annual allocations of air tours are not transferrable between operators, though they may be assumed by a successor purchaser. Conditions are included to ensure that the agencies have sufficient time to review the transaction to avoid an interruption of service and the successor operator must acknowledge and agree to comply with the ATMP. This language is excerpted below:

- Annual operations under the ATMP are non-transferable. An allocation of annual operations may be assumed by a successor purchaser that acquires an entity holding allocations under the ATMP in its entirety. In such case the prospective purchaser shall notify the FAA and the NPS of its intention to purchase the operator at the earliest possible opportunity to avoid any potential interruption in the authority to conduct commercial air tours under the ATMP. This notification must include a certification that the prospective purchase has read and will comply with the terms and conditions in the ATMP. The FAA will consult with the NPS before issuing new or modified operations specifications or taking other formal steps to memorialize the change in ownership.

The agencies revised some of the language related to the quiet technology incentive, but not the incentive itself, in order to clarify that applications for the incentive will be analyzed on a case-by-case basis. The revised language is below:

- The ATMP incentivizes the use of quiet technology aircraft by commercial air tour operators. Operators that have converted to quiet technology aircraft, or are considering converting to quiet technology aircraft may request to be allowed to conduct air tours beginning one hour after sunrise until one hour before sunset on all days that flights are authorized. Because aviation technology continues to evolve and advance and FAA updates its noise certification standards periodically, the aircraft eligible for this incentive will be analyzed on a case-by-case basis at the time of the operator's request to be considered for this incentive. The NPS will periodically monitor Park conditions and coordinate with FAA to assess the effectiveness of this incentive. If implementation of this incentive results in unanticipated effects on Park resources or visitor experience, further agency action may be required to ensure the protection of Park resources and visitor experience;

The draft ATMP and the included maps were edited to clearly identify the reservation lands of the Quinault Indian Nation, Hoh Indian Tribe, Quileute Tribe and Makah Indian Tribe within the Park as well as those within ½ mile of its boundary. The draft ATMP was edited to explain the ATMP does not authorize any air tour routes over tribal lands of the Makah Indian Tribe of the Makah Indian Reservation, the Quileute Tribe of the Quileute Reservation, the Hoh Indian Tribe, or the Quinault Indian Nation. Minor edits were made to clearly state in various subsections that the ATMP applies not only to the area within the Park boundary, but also to areas ½ mile outside the Park boundary.

The agencies also clarified that a plan amendment, and additional environmental review, would be required in order to increase the number of authorized commercial air tours per year above the 64 authorized in the ATMP. The revised language is below:

- Increases to the total number of air tours authorized under the ATMP resulting from accommodation of a new entrant application or a request by an existing operator will require an amendment to the ATMP and additional environmental review. Notice of all amendments to this ATMP will be published in the Federal Register for notice and comment.

Area of Potential Effects

The APE for the undertaking was proposed in the Section 106 consultation letter dated July 30, 2021. The undertaking does not require land acquisition, construction, or ground disturbance. In establishing the APE, the FAA sought to include areas where any historic property present could be affected by noise from or sight of commercial air tours over the Park or adjacent tribal lands. The FAA considered the number and altitude of commercial air tours over historic properties in these areas to further assess the potential for visual effects and any incremental change in noise levels that may result in alteration of the characteristics of historic properties qualifying them as eligible for listing in the NRHP.

The APE for the undertaking comprises the commercial air tour route over the Park and a ½ mile outside the boundary of the Park, plus an additional five-mile buffer extending from either side of the centerline of the air tour route, as depicted in **Attachment A** below. The FAA requested comments from all consulting parties including federally recognized tribes. Your office concurred with the APE in your August 16, 2021 letter to FAA. We received no further comments from consulting parties regarding the APE. The changes to the undertaking described above have the potential to cause alterations in the character or use of historic properties in a manner that is commensurate with the elements of the undertaking that have been consistent throughout Section 106 consultation. As a result, the delineated APE adequately captures potential effects from the undertaking on historic properties and remains unchanged.

Identification of Historic Properties

Preliminary identification of historic properties relied upon data submitted by NPS park staff about known historic properties within the Park. Section 106 consultation efforts involved outreach to tribes, the Washington State Historic Preservation Office, operators, and other consulting parties, including local governments and neighboring federal land managers. Public comments submitted as part of the draft ATMP public review process also informed identification efforts.

The FAA, in cooperation with the NPS, coordinated with park staff to identify known historic properties located within the APE. The FAA also accessed WISAARD on December 14, 2021, to collect GIS data for previously-identified properties both inside and outside the Park and consulted with the tribes listed in **Attachment B** regarding the identification of any other previously unidentified historic properties that may also be located within the APE. On February 14, 2022, The FAA received a letter from your office stating that the Sol Duc Campground Historic District should be included as part of the historic properties identified within the APE as shown in **Attachment C**. As a result, the property has been added to that list.

As the undertaking would not result in physical effects, the identification effort focused on identifying properties where setting and feeling are characteristics contributing to a property's NRHP eligibility, as they are the type of historic properties most sensitive to the effects of aircraft overflights. These may

include isolated properties where a cultural landscape is part of the property's significance, rural historic districts, outdoor spaces designed for meditation or contemplation, and certain traditional cultural properties (TCPs). In so doing, the FAA has taken into consideration the views of consulting parties, past planning, research and studies, the magnitude and nature of the undertaking, the degree of Federal involvement, the nature and extent of potential effects on historic properties, and the likely nature of historic properties within the APE in accordance with 36 CFR 800.4(b)(1).

In accordance with 36 CFR 800.4, the FAA has made a reasonable and good faith effort to identify historic properties within the APE. Those efforts resulted in identification of 16 historic properties within the APE listed in **Attachment C** and shown in the APE map provided in **Attachment A**. The only change to the list of historic properties identified in the APE since the FAA's January 27, 2022 Section 106 consultation letter was the addition of the Sol Duc Campground Historic District.

Summary of Section 106 Consultation with Tribes

The FAA contacted thirteen federally recognized tribes via letter on March 26, 2021, inviting them to participate in Section 106 consultations and request their expertise regarding historic properties, including TCPs that may be located within the APE. On July 30, 2021, the FAA sent the identified federally recognized tribes a Section 106 consultation letter describing the proposed undertaking in greater detail in which we proposed an APE and provided the results of our preliminary identification of historic properties.

On December 1, 2021, the FAA sent follow-up emails to those tribes from whom we have not received a response, once again inviting them to participate in Section 106 consultations. On December 14, 2021, the FAA followed up with phone calls to those tribes that did not respond to our prior Section 106 consultation requests. The FAA received responses from the Jamestown S'Klallam Tribe, Quinault Indian Nation, Shoalwater Bay Tribe, and Hoh Tribe expressing interest in participating in the Section 106 consultation process. The Jamestown S'Klallam tribe provided comments regarding concerns about impacts to the headwaters of the Dungeness River and associated watersheds – areas of great spiritual importance to the tribe – due to increased air traffic and noise. The FAA received a comment from Quinault Indian Nation regarding the potential disruption of increased ceremonies that are part of the tribe's yearly cycle. The FAA received a comment from Bill White, the Lower Elwha Klallam Archeologist, expressing concerns regarding the flight path of the existing operator because of the proximity to two Elwha TCPs. There are two Elwha TCPs located in the lower Elwha Valley, near the Port Angeles airport. However, the FAA has determined these properties are outside the APE for the undertaking.

The FAA also received responses from the Confederated Tribes of the Chehalis Reservation and the Squaxin Island Tribe of the Squaxin Island Reservation opting out of additional Section 106 consultation. Tribes and all consulting parties will continue to receive Section 106 consultation letters unless they specifically request to opt out of Section 106 consultation for the undertaking. The tribes whom the FAA contacted as part of this undertaking are included in the list of consulting parties enclosed as **Attachment B**. Other tribes and consulting parties have not identified additional historic properties including TCPs in response to the FAA's March 2021, July 2021, and January 2022 Section 106 consultation letters.

Assessment of Effects

The undertaking could have an effect on a historic property if it alters the characteristics that qualify the property for eligibility for listing or inclusion in the NRHP. The characteristics of the historic properties within the APE that qualify them for inclusion in the NRHP are described in **Attachment C**. Effects are considered adverse if they diminish the integrity of a property's elements that contribute to its significance. The undertaking does not include land acquisition, construction, or ground disturbance and will not result in physical effects to historic properties. The FAA, in coordination with the NPS, focused the assessment of effects on the potential for adverse effects from the introduction of audible or visual elements that could diminish the integrity of the property's significant historic features.

Assessment of Noise Effects

The undertaking would not alter the characteristics of historic properties within the APE because there would be no measurable change in audible effects from existing conditions. To assess the potential for the introduction of audible elements, including changes in the character of aircraft noise, the FAA and NPS considered whether there would be a potential change in the number, frequency, or routes of commercial air tours, as well as the type of aircraft used to conduct those tours.

Since the ATMP authorizes the same number of annual flights as the average number of flights from 2017-2019 and maintains the same route as is currently flown under existing conditions, overall noise impacts associated with commercial air tours over the Park are not expected to measurably change in either character or decibel level.

Likewise, the ATMP authorizes the use of the Cessna models 172N, 172K, 172M, U206a, and TU206 fixed-wing aircrafts, the same aircrafts currently in use. Any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced. The ATMP also requires commercial air tour altitudes to remain the same, therefore noise levels at sites directly below the commercial air tour route will remain unchanged.

For purposes of assessing noise impacts from commercial air tours on the acoustic environment of the Park under the National Environmental Policy Act (NEPA), the agencies conducted a noise analysis using the following metrics:

- Time above 35 dBA (minutes)
- Time above 52 dBA (minutes)
- Equivalent Sound Level or LAeq (over 12 hours)
- Day-night Average Sound Level (DNL) or Ldn (over 24 hours)
- Maximum sound level or Lmax

DNL is FAA's primary noise metric. **Attachment D** provides further information about the noise metrics and presents the noise contours (i.e., graphical illustration depicting noise exposure) from the modeling.

The noise analysis indicates that the undertaking would not result in any noise impacts that would be "significant" or "reportable" under FAA's policy for NEPA.³ The resultant DNL due to the undertaking is

³ Under FAA policy, an increase in the Day-Night Average Sound Level (DNL) of 1.5 dBA or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dBA noise exposure level, or that will be exposed at or above the DNL 65 dBA level due to a DNL 1.5 dBA or greater increase, is significant. FAA Order 1050.1F,

expected to be well below 65 dBA, FAA's significance threshold. The average sound levels for LAeq are below 35 dBA for the Proposed Action modeled at the Park; DNL is arithmetically 3 dBA lower than LAeq as there are no nighttime events at the Park. The resultant DNL similarly does not cause any reportable noise impacts as there is no expected increase or change in noise from the undertaking.

Attachment D presents noise contours for the Time Above 35 dBA (the amount of time in minutes that aircraft sound levels are above 35 dBA). Noise related to commercial air tours is modeled to be greater than 35 dBA for less than 10 minutes a day within the Park. There are no historic properties where the duration above 35 dBA is between 10 and 15 minutes. Because noise is modeled using conservative assumptions (see **Attachment D**) and implementing the ATMP would result in limiting the number of flights and using the same routes and aircraft, audible impacts will be similar to existing conditions or decrease under the ATMP. Because the ATMP would not change the noise environment it would not introduce audible elements that would alter the characteristics of any historic property that qualifies it for inclusion in the NRHP or diminish the integrity of its significant historic features.

Assessment of Visual Effects

The undertaking would not alter the characteristics of historic properties within the APE because there would be no measurable change in visual effects from existing conditions. The level of commercial air tour activity under the ATMP will remain the same. Recognizing that some types of historic properties may be affected by visual effects of commercial air tours, the FAA and NPS considered the potential for the introduction of visual elements that could alter the characteristics of a historic property that qualifies it for inclusion in the NRHP. Aircraft are transitory elements in a scene and visual impacts tend to be relatively short. The short duration and low number of flights make it unlikely a historic property would experience a visual effect from the undertaking. One's perspective of or viewshed from a historic property is often drawn to the horizon and aircraft at higher altitudes are less likely to be noticed. Aircraft at lower altitudes may attract visual attention but are also more likely to be screened by vegetation or topography.

The FAA and NPS also considered the experience of tribal members who may be conducting ceremonies or practices that could involve looking toward the sky. The ATMP includes a provision for the NPS to establish temporary no-fly periods for special events, such as tribal ceremonies or other similar events, with a minimum of one week notice to the operator. It represents an improvement over existing conditions where no such provision exists.

Under existing conditions, commercial air tours at the Park are flown on one route. This commercial air tour route concentrates around Mt. Olympus and in the northern portion of the Park near Storm King Ranger Station, and flies over the Park and ½ mile buffer for approximately 83 flight miles, thereby avoiding the vast majority of the historic properties within the Park as demonstrated on **Attachment A**. The ATMP limits the annual number of commercial air tours to 64 tours and maintains the same route as is currently flown under existing conditions. Based on the three-year average of reporting data (2017-2019), under current conditions, people in the park are not likely to see more than one commercial air

Environmental Impacts: Policies and Procedures, Exhibit 4-1. Noise increases are "reportable" if the DNL increases by 5 dB or more within areas exposed to DNL 45-60 dB, or by 3 dB or more within areas exposed to DNL 60-65 dB. FAA Order 1050.1F, Appendix B, section B-1.4.

tour per day on a typical day during which air tours are conducted. During a typical year, there are 49-52 days during which commercial air tours are conducted at the Park, leaving the vast majority of days (over 300 annual days) free of commercial air tours.

Visual impacts to historic properties will be similar to or decrease compared to impacts currently occurring because the number of authorized flights under the ATMP will be the same or less than the average number of flights from 2017-2019, and the route will remain the same as compared to existing conditions. The undertaking would not introduce visual elements that would alter the characteristics of a historic property that qualifies it for inclusion in the NRHP.

Finding of No Adverse Effect Criteria

To support a finding of no adverse effect, an undertaking must not meet any of the criteria set forth in the Advisory Council on Historic Preservation's Section 106 regulations at 36 CFR 800.5(a). This section demonstrates the undertaking does not meet those criteria. The undertaking would not have any physical impact on any property. The undertaking is located in the airspace above historic properties and would not result in any alteration or physical modifications to these resources. The undertaking would not remove any property from its location. The undertaking would not change the character of any property's use or any physical features in any historic property's setting. As discussed above, the undertaking would not introduce any audible or visual elements that would diminish the integrity of the significant historical features of any historic properties in the APE. The undertaking would not cause any property to be neglected, sold, or transferred.

Proposed Finding and Request for Review and Concurrence

We propose that FAA and NPS approval of the undertaking would not alter the characteristics of any historic properties located within the APE as there would be no measurable change in audible or visual effects from existing conditions. Based on the analysis above, the FAA and NPS propose a finding of no adverse effect on historic properties. We request that you review the information and respond whether you concur with the proposed finding within thirty days of receiving this letter.

Should you have any questions regarding any of the above, please contact Judith Walker at 202-267-4185 or Judith.Walker@faa.gov and copy the ATMP team at ATMPTeam@dot.gov.

Sincerely,



Judith Walker
Federal Preservation Officer,
Senior Environmental Policy Analyst
Environmental Policy Division (AEE-400)
Federal Aviation Administration

CC: Dennis Wardlaw, Washington State Historic Preservation Office

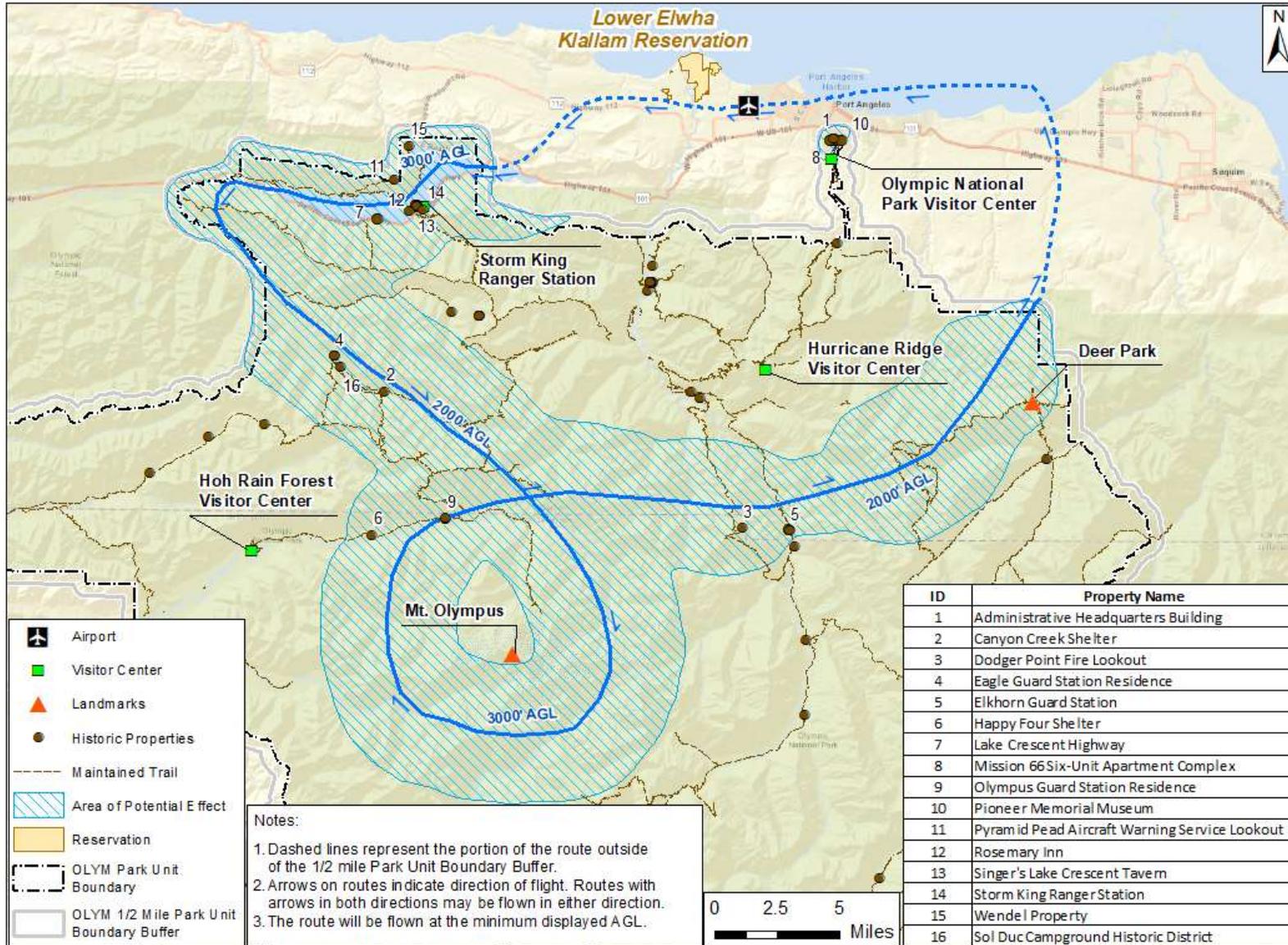
Attachments

- A. APE Map including proposed Commercial Air Tour Route
- B. List of Consulting Parties
- C. List of Historic Properties in the APE and Description of Significant Characteristics
- D. Methodology of NEPA Technical Noise Analysis

ATTACHMENT A

**Area of Potential Effect Map
Including
Commercial Air Tour Route**

Area of Potential Effects Map for ATMP at Olympic National Park



ATTACHMENT B

List of Additional Consulting Parties Invited to Participate in Section 106 Consultation

Confederated Tribes of the Chehalis Reservation ¹
Confederated Tribes of the Warm Springs Reservation of Oregon
Flattery Rocks National Wildlife Refuge
Hoh Indian Tribe
Jamestown S'Klallam Tribe
Lower Elwha Tribal Community
Makah Indian Tribe of the Makah Indian Reservation
National Trust for Historic Preservation
Olympic National Forest
Port Angeles, WA
Port Gamble S'Klallam Tribe
Quileute Tribe of the Quileute Reservation
Quillayute Needles National Wildlife Refuge
Quinault Indian Nation
Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation
Skokomish Indian Tribe
Squaxin Island Tribe of the Squaxin Island Reservation ¹
Suquamish Indian Tribe of the Port Madison Reservation

¹Tribe opted out of Section 106 consultation

ATTACHMENT C

List of Historic Properties in the APE and Description of Significant Characteristics

Property ID	Property Name	Property Type	NRHP Status	County
53230	Administrative Headquarter Building	Building and District	Listed under Criteria A and C	The Administrative Headquarter Building is significant for its association with political and government activities within Olympic National Park. The district is an example of the distinctive Rustic style architecture utilized by NPS during the early years managing former national forest lands on the Olympic Peninsula. These buildings embody the characteristics of the Rustic philosophy of design, but they have been applied in a modern way, taking advantage of modern building technologies and methods, while respecting and incorporating the tenets of the Rustic ethic.
3057	Canyon Creek Shelter	Building	Listed under Criteria A and C	The building exemplifies NPS Rustic architectural design through its use of local, natural materials applied in a manner that is sensitive to the surrounding environment so as not to have a negative visual impact. The shelter was constructed by the NPS as another piece of the larger trail and shelter network first established by the United States Forest Service, but the style and method of construction reveals an emphasis more on aesthetics and enhancing a visitor's experience in the wilderness than the purpose set forth by the USFS, which was practical and functional in nature (fire protection and access).
2902	Dodger Point Fire Lookout	Building	Eligible under Criteria A and C	The building exemplifies Forest Service architectural design through its use of natural materials applied in a straightforward, functional manner for a building of a specific purpose. The lookout's historical significance is enhanced by its association with the military using the building as an Aircraft Warning Service station during World War II.
674743	Eagle Guard Station	Building/District	Listed under Criteria A and C	Built between 1936 and 1940, the three buildings comprising the historic district are representative of the types of buildings that the United States Forest Service constructed to accomplish one of its objectives on the Olympic Peninsula--protecting the valuable stands of timber the agency was charged with managing--by building an extensive network of ranger, guard and patrol cabins, shelters, and lookouts.

Property ID	Property Name	Property Type	NRHP Status	County
2909	Elkhorn Guard Station	Building/District	Listed under Criterion C	Built between 1936 and 1940, the three buildings comprising the historic district are representative of the types of buildings that the United States Forest Service constructed to accomplish one of its objectives on the Olympic Peninsula--protecting the valuable stands of timber the agency was charged with managing--by building an extensive network of ranger, guard and patrol cabins, shelters, and lookouts.
700362	Happy Four Shelter	Building	Listed under Criteria A and C	This building exemplifies USFS architectural design and style through its use of local, natural materials applied in a manner that is functional and straightforward to address an immediate need, but which is also sensitive to the surrounding environment so as not to have an obtrusive visual impact.
680603	Lake Crescent Highway ¹	Structure	Eligible under Criteria A and C	This property is an early example of a Federal Aid Forest Road Project, a partnership involving federal agencies (the US Forest Service and Bureau of Public Roads) and the Washington State Highway Department in the early years of the national highway system. It is also a representative example of early twentieth century highway engineering, design, and construction methods in Washington State. The highway is largely intact and retains most of its character-defining features, plus aspects of integrity essential for NRHP eligibility including location, design, setting, and feeling.
710317	Mission 66 Six-Unit Apartment Complex ¹	Building	Eligible under Criterion C	Olympic National Park's 1940 building revealed a stylistic transition. Constructed primarily of wood, it featured Modernist design details and spatial composition. Its design demonstrated, particularly after World War II, the transition between the Rustic and Modern Movement style of park architecture.
674736	Olympus Guard Station	Building	Listed under Criteria A and C	An example of the distinctive type of Log, Pole, and Shake architecture utilized by the United States Forest Service in its years of managing the national forest lands on the Olympic Peninsula prior to the establishment of the national park.
107708	Pioneer Memorial Museum ¹	Building	Eligible	Contributing property within the Administrative Headquarter Building Historic District.

Property ID	Property Name	Property Type	NRHP Status	County
3168	Pyramid Peak Aircraft Warning Service Lookout	Building	Eligible under Criteria A and C	The Pyramid Peak AWS Lookout is significant for its association with politics and government activities within Olympic National Park and as an example of United States Army and United States Forest Service building design. The lookout's significance is enhanced by its association with the military funding the building of the structure by the NPS specifically for an Aircraft Warning Service station during World War II.
3172	Rosemary Inn	Building	Listed under Criteria A, B, and C	Many design features of the Rosemary buildings exhibit strong links to the Bungalow style, such as the predominance of gable roofs with overhanging eaves and exposed rafters, the existence of small porches, and the predominant use of rustic exterior sheathing materials (wood shingles, cedar bark, half-log boards, and board and batten), the uniquely unorthodox application of these varied materials by local builder and craftsman John Daum gives Rosemary buildings a distinctly vernacular quality. The dedication ceremony of the creation of the park was held in 1946 on the lawn at Rosemary. Finally, Rosemary Inn Historic District is eligible for listing under Criterion C, because it embodies the distinctive characteristics of a type and method of construction and possesses high artistic value.
3161	Singer's Lake Crescent Tavern	Building	Listed under Criteria A, B, and C	Singer's Lake Crescent Tavern Historic District embodies the distinctive characteristics of a resort type building that was prevalent in the Lake Crescent area during the early part of this century. Guests arrived by ferry or private launch for the first seven years of the resort's operation. Road access came in 1922. After the Singer's sold the property in the late 1920s, subsequent owners made periodic additions and alterations to the buildings and grounds, however, the main lodge and original row of cabins to the west, as well as the overall spatial arrangement of the buildings, has remained intact.

Property ID	Property Name	Property Type	NRHP Status	County
3169	Storm King Ranger Station	Building	Eligible under Criteria A and C	Built circa 1905, this building is representative of the types of buildings that the United States Forest Service constructed to accomplish one of its objectives on the Olympic Peninsula-protecting the valuable stands of timber the agency was charged with managing by building an extensive network of ranger, guard and patrol cabins, shelters and lookouts. The building incorporated the materials used by the early settlers on the peninsula-logs, poles, and shakes. This building embodies the distinctive characteristics of the log building type and in addition exhibits a high degree of craftsmanship.
700368	Wendel Property	Building	Listed under Criteria A and C	Built circa 1935, the two buildings on the property exemplify the types of buildings that were being designed and built in the Lake Crescent area for several decades beginning in the 1910s. The property's significance lies in its ability to convey the type and style of architecture that was typical for recreation homebuilding in this area of Olympic National Park during an era of resort development: Bungalow/Craftsman style of architecture.
TBD	Sol Duc Campground Historic District	District	Eligible	Sol Duc Campground was evaluated as a historic district and is an excellent and highly intact example of National Park Service Mission 66 campground development in Olympic National Park. Largely developed between 1958 and 1966, Sol Duc Campground presently contains a visitor parking area, two campground loops, an amphitheater, and visitor facilities including comfort stations, water supply stations, a trailer dump station, and trash enclosures. Located in Clallam County in northwestern Washington State, Sol Duc Campground lies approximately 75 miles northwest of Seattle, in the northwestern portion of Olympic National Park.

ATTACHMENT D

Summary of Noise Technical Analysis from NEPA Review

For purposes of assessing noise impacts from commercial air tours on the acoustic environment of the Park under the National Environmental Policy Act (NEPA), the agencies used the following metrics:

- Time above 35 dBA (minutes)
- Time above 52 dBA (minutes)
- Equivalent Sound Level or LAeq (over 12 hours)
- Day-night Average Sound Level or Ldn (over 24 hours)
- Maximum sound level or Lmax

Metric	Relevance and citation
Time Above 35 dBA ⁴	<p>The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 35 dBA)</p> <p>In quiet settings, outdoor sound levels exceeding 35 dB degrade experience in outdoor performance venues (ANSI 12.9-2007, Quantities And Procedures For Description And Measurement Of Environmental Sound – Part 5: Sound Level Descriptors For Determination Of Compatible Land Use); Blood pressure increases in sleeping humans (Haralabidis et al., 2008); maximum background noise level inside classrooms (ANSI/ASA S12.60/Part 1-2010, Acoustical Performance Criteria, Design Requirements, And Guidelines For Schools, Part 1: Permanent Schools).</p>
Time Above 52 dBA	<p>The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 52 dBA)</p> <p>This metric represents the level at which one may reasonably expect interference with Park interpretive programs. At this background sound level (52 dB), normal voice communication at five meters (two people five meters apart), or a raised voice to an audience at ten meters would result in 95% sentence intelligibility.⁵</p>

⁴ dBA (A-weighted decibels): Sound is measured on a logarithmic scale relative to the reference sound pressure for atmospheric sources, 20 µPa. The logarithmic scale is a useful way to express the wide range of sound pressures perceived by the human ear. Sound levels are reported in units of decibels (dB) (ANSI S1.1-1994, American National Standard Acoustical Terminology). A-weighting is applied to sound levels in order to account for the sensitivity of the human ear (ANSI S1.42-2001, Design Response of Weighting Networks for Acoustical Measurements). To approximate human hearing sensitivity, A-weighting discounts sounds below 1 kHz and above 6 kHz.

⁵ Environmental Protection Agency. Information on Levels of Noise Requisite to Protect the Public Health and Welfare with an Adequate Margin of Safety, March 1974.

Equivalent sound level, $L_{Aeq, 12\text{ hr}}$	The logarithmic average of commercial air tour sound levels, in dBA, over a 12-hour day. The selected 12-hour period is 7 am – 7 pm to represent typical daytime commercial air tour operating hours.
Day-night average sound level, L_{dn} (or DNL)	<p>The 24-hour average sound level, in dBA, after addition of ten decibels to sounds occurring from 10 p.m. to 7 a.m.</p> <p>For aviation noise analyses, the FAA has determined that the cumulative noise energy exposure of individuals to noise resulting from aviation activities must be established in terms of Day-night average sound level (DNL)⁶.</p> <p>Note: Both $L_{Aeq, 12\text{ hr}}$ and L_{dn} characterize:</p> <ul style="list-style-type: none"> Increases in both the loudness and duration of noise events The number of noise events during specific time period (12 hours for $L_{Aeq, 12\text{ hr}}$ and 24-hours for L_{dn}) L_{dn} takes into account the increased sensitivity to noise at night by including a ten dB penalty between 10 p.m. and 7 a.m. local time. If there are no nighttime events, then $L_{Aeq, 12\text{ hr}}$ is arithmetically three dBA higher than L_{dn}. <p>The FAA's indicators of significant impacts are for an action that would increase noise by DNL 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65 dB level due to a DNL 1.5 dB or greater increase, when compared to the no action alternative for the same timeframe⁷.</p>
Maximum sound level, L_{max}	The loudest sound level, in dBA, generated by the loudest event; it is event-based and is independent of the number of operations. L_{max} does not provide any context of frequency, duration, or timing of exposure.

In order to provide a conservative evaluation of potential noise-effects produced by commercial air tours under the ATMP, the analysis is based on a characterization of a busy day of commercial air tour activity. For the busiest year of commercial air tour activity from 2017-2019 based on the total number of commercial air tour operations and total flight miles over the Park, the 90th percentile day was identified for representation of the busy day in terms of number of operations, and then further assessed for the type of aircraft and route flown to determine if it is a reasonable representation of the commercial air tour activity at the Park.

⁶ FAA Order 1050.1F, Appx. B, sec B-1

⁷ FAA Order 1050.1F, Exhibit 4-1

Noise contours for the following acoustic indicators were developed using the Federal Aviation Administration's Aviation Environmental Design Tool (AEDT) version 3d and are provided below. A noise contour presents a graphical illustration or “footprint” of the area potentially affected by the noise.

- Time above 35 dBA (minutes) – see Figure 1
- Time above 52 dBA (minutes) – see Figure 2
- Equivalent sound level, $L_{Aeq, 12hr}$
 - Note 1: Contours are not presented for $L_{Aeq, 12hr}$ as the average sound levels were below 35 dBA for the ATMP modeled at the Park.
 - Note 2: Contours are not presented for L_{dn} (or DNL) as it is arithmetically three dBA lower than $L_{Aeq, 12hr}$ if there are no nighttime events, which is the case for the ATMP modeled at the Park.
- Maximum sound level or L_{max} – see Figure 3

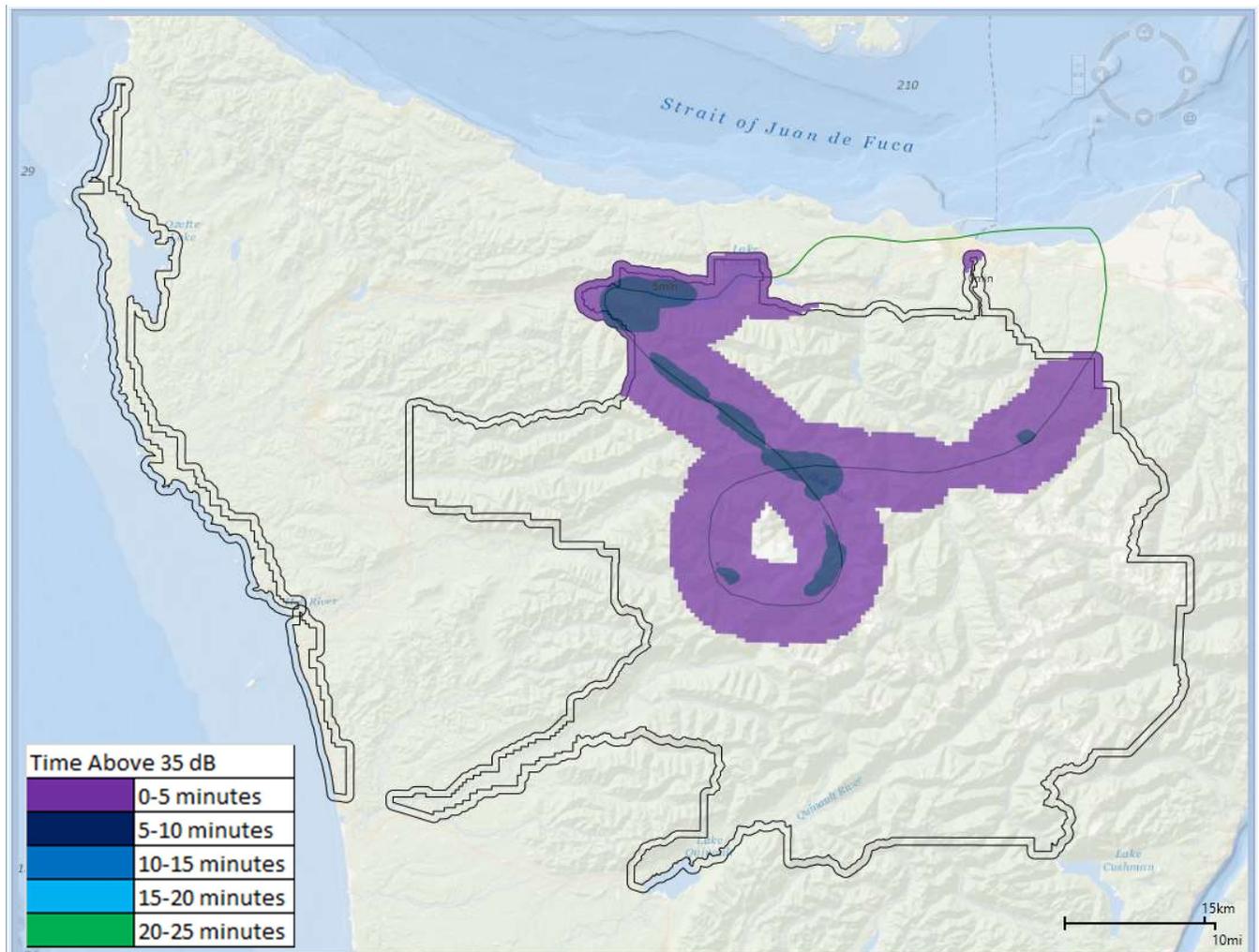


Figure 1. Noise contour results for Time Above 35 dBA

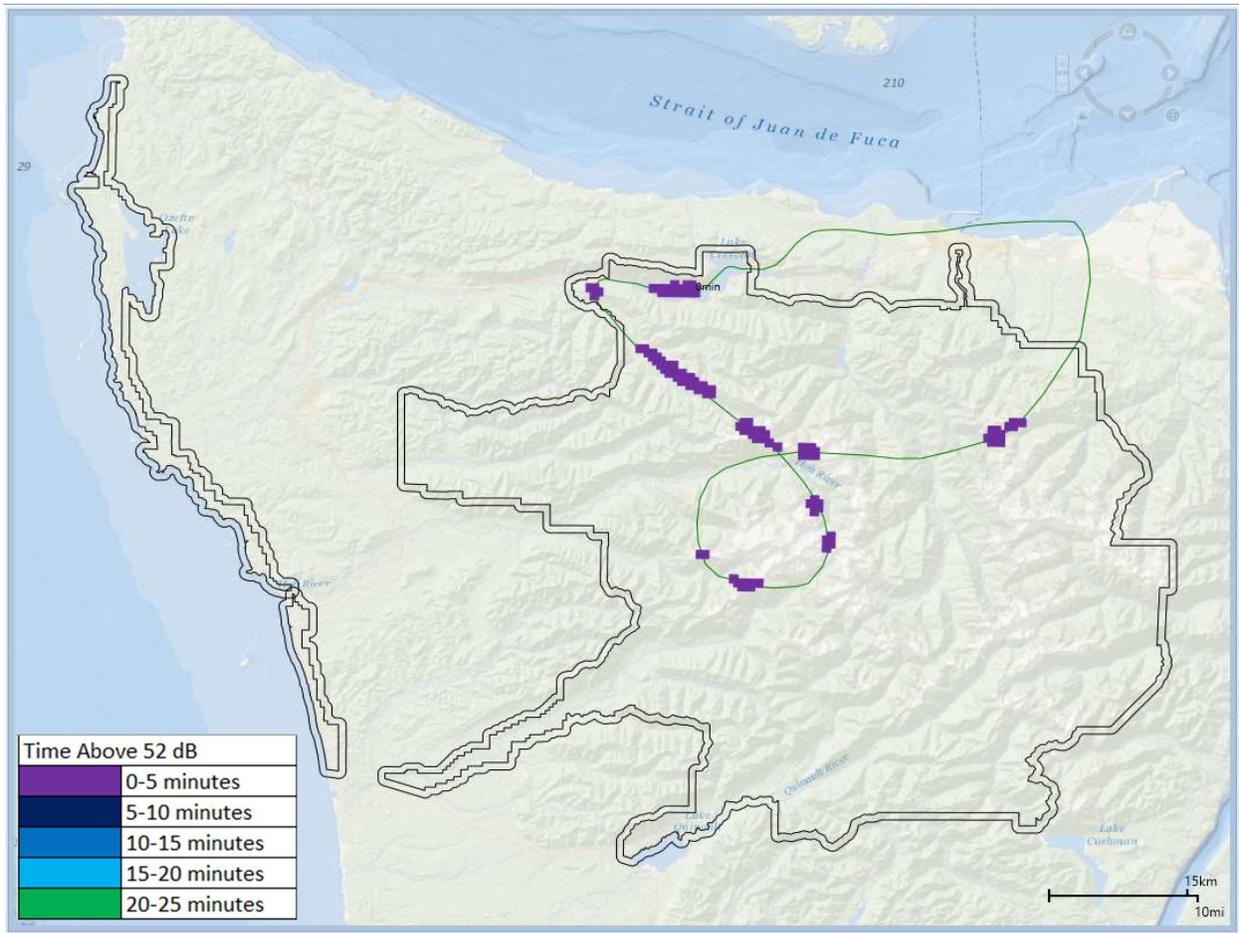


Figure 2. Noise contour results for Time Above 52 dBA

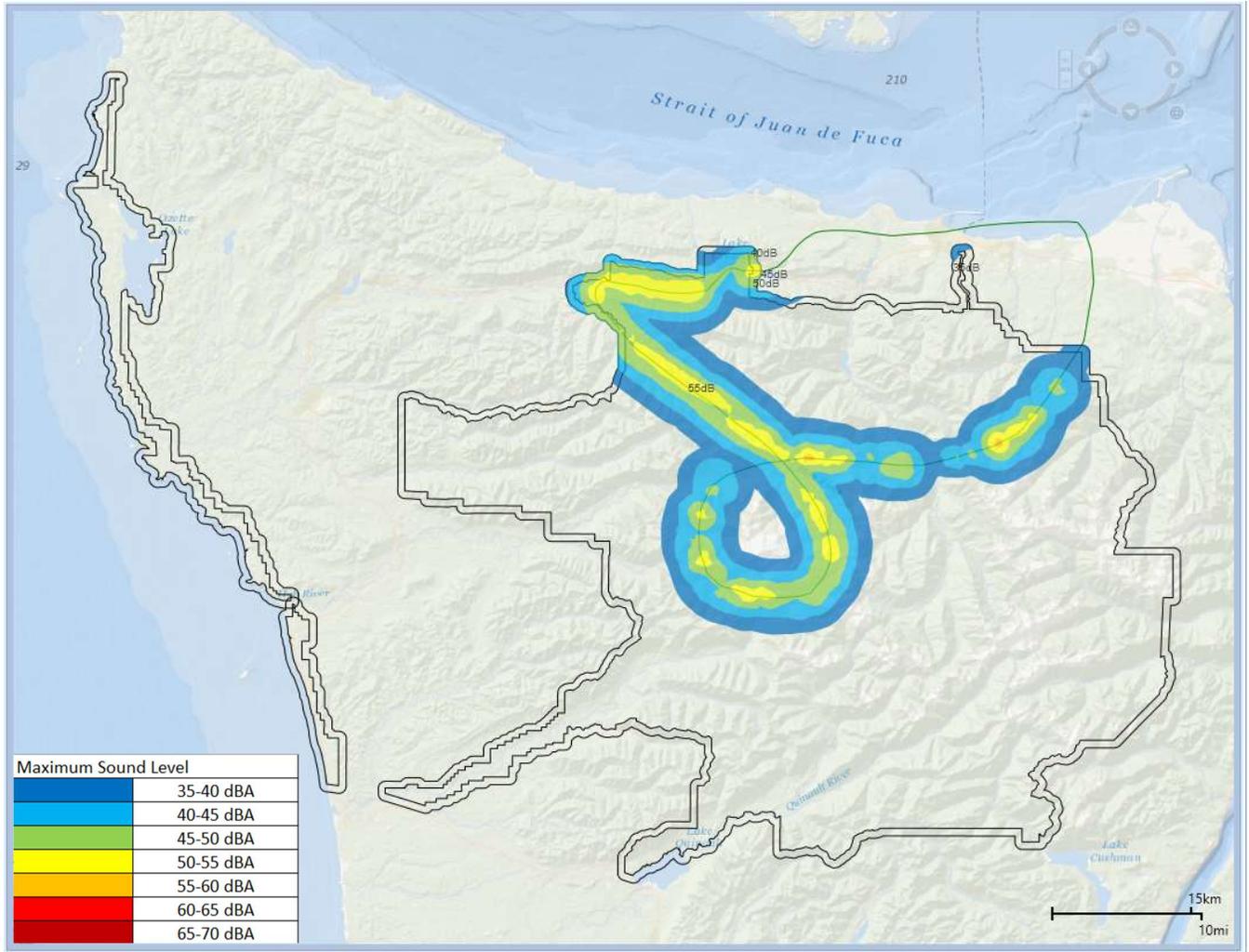


Figure 3. Noise contour results for L_{max}



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

May 10, 2022

Ms. Judith Walker
Federal Preservation Officer
Senior Environmental; Policy Analyst
Federal Aviation Administration

In future correspondence please refer to:
Project Tracking Code: 2021-04-02384
Property: Olympic National Park_ National Park Air Tour
Re: NO Adverse Effect

Dear Ms. Walker:

Thank you for contacting the State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) regarding the above referenced proposal. This action has been reviewed on behalf of the SHPO under provisions of Section 106 of the National Historic Preservation Act of 1966 (as amended) and 36 CFR Part 800. Our review is based upon documentation contained in your communication.

We concur that the current project as proposed will have "NO ADVERSE EFFECT" on historic properties within the APE that are listed in, or determined eligible for listing in, the National Register of Historic Places. As a result of our concurrence, further contact with DAHP on this proposal is not necessary.

However, if new information about affected resources becomes available and/or the project scope of work changes significantly, please resume consultation as our assessment may be revised. Also, if any archaeological resources are uncovered during construction, please halt work immediately in the area of discovery and contact the appropriate Native American Tribes and DAHP for further consultation.

Thank you for the opportunity to review and comment. If you have any questions, please feel free to contact me.

Sincerely,

Dennis Wardlaw
Transportation Archaeologist
(360) 485-5014
dennis.wardlaw@dahp.wa.gov





PORT GAMBLE S'KLALLAM TRIBE
CULTURAL RESOURCES DEPARTMENT
31912 Little Boston Rd. NE – Kingston, WA 98346
nəx^wq'íyt nəx^wsłay'əm

May 11, 2022

Ms. Judith Walker
Federal Preservation Officer
Senior Environmental Policy Analyst
Federal Aviation Administration

Re: Olympic National Park, National Park Air Tour, No Adverse Effect

Dear Ms. Walker,

Thank you for contacting the Port Gamble S'Klallam Tribal Historic Preservation Office regarding the above referenced proposal, Olympic National Park, National Park Air Tour.

The Port Gamble S'Klallam Tribal Historic Preservation Officer (PGST THPO) in conformance with Tribal Policy 11-A-073 and Section 106 of the National Historic Preservation Act 36 CFR Part 800 has reviewed and evaluated this finding based upon documentation contained in your communication.

We appreciate your communication and concur that the undertaking, as proposed, will have “no adverse effect” on historic properties within the APE that are listed in, or determined eligible for listing in, the National Register of Historic Places and not alter the characteristics of any historic properties located within the APE with no measurable change in audible or visual effects from existing conditions. As a result of this concurrence, further contact with PGST, THPO on this proposal is not necessary.

However, if new information about affected resources becomes available or the scope of this project changes, please resume consultation, as our assessment may be revised. If any archaeological resources are uncovered, please halt work immediately in the area of discovery and contact my office for further consultation

If you should have any questions, please contact me directly at pgst-thpo@pgst.nsn.us or (360) 297-6359.

Regards,

Misty Ives
Tribal Historic Preservation Officer
Port Gamble S'Klallam Tribe



ATTN: Judith Walker
Federal Preservation Officer
Senior Environmental Policy Analyst
Environmental Policy Division (AEE-400)
Federal Aviation Administration

May 6th, 2022

Re: Section 106 Consultation and Finding of No Adverse Effect Under Section 106 of the National Historic Preservation Act for the development of an Air Tour Management Plan (ATMP) for Olympic National Park

Dear Judith Walker,

The Jamestown S'Klallam Tribe has received a consultation letter recommending a finding of No Adverse Effect under Section 106 of the National Historic Preservation Act for the ATMP for Olympic National Park. The Tribe concurs with the recommendation that no historic properties will be adversely affected as a result of the current proposed ATMP. The Tribe supports the current language of the ATMP: "any increases to the total number of air tours authorized under the ATMP will require an amendment to the ATMP and additional environmental review" and "provisions for the NPS to establish temporary no-fly periods for special events, such as tribal ceremonies".

Thank you for the opportunity to comment on this project. If you need any additional information, or in the event of any inadvertent discovery of cultural resources, please contact me at 360-681-4638 or ataylor@jamestowntribe.org

Sincerely,

Allie R. Taylor
Tribal Historic Preservation Officer
Jamestown S'Klallam Tribe

From: [Raymond, Anan](#)
To: [BrownScott, Jennifer](#); [ATMPTeam](#)
Cc: [Conca, David J](#); [Ward, Vicki L](#); [Walker, Judith <FAA>](#); [Rimol, Kaitlyn \(Volpe\)](#); [Papazian, Jennifer \(Volpe\)](#); [Schmidt, Jonathan \(Volpe\)](#); [McAlear, Zoe \(VOLPE\)](#)
Subject: Re: [EXTERNAL] Section 106 Continuing Consultation – Air Tours at Olympic National Park - Flattery Rocks National Wildlife Refuge
Date: Monday, April 11, 2022 6:41:13 PM

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear ATMP Team and others,

Thank you for your inquiry and notification on the subject.

From what I can tell your APE and undertaking activities do not intersect FWS land or FWS historic properties. Thus, the FWS has no objection to your finding of no adverse effect to historic properties. Sincerely,

-Anan

Anan Raymond
Regional Archaeologist and Historic Preservation Officer
U.S. Fish and Wildlife Service, Portland Regional Office
20555 Gerda Lane, Sherwood, OR 97140
503-625-4377 office
503-451-9953 cell
anan_raymond@fws.gov
he/him/his

From: BrownScott, Jennifer <jennifer_brownScott@fws.gov>
Sent: Monday, April 11, 2022 11:29 AM
To: ATMPTeam <ATMPTeam@dot.gov>; Raymond, Anan <anan_raymond@fws.gov>
Cc: Conca, David J <Dave_Conca@nps.gov>; Ward, Vicki L <Vicki_Ward@nps.gov>; Walker, Judith (FAA) <judith.walker@faa.gov>; Rimol, Kaitlyn (Volpe) <Kaitlyn.Rimol.CTR@dot.gov>; Papazian, Jennifer (Volpe) <jennifer.papazian@dot.gov>; Schmidt, Jonathan (Volpe) <Jonathan.Schmidt@dot.gov>; McAlear, Zoe (VOLPE) <zoe.mcalear@dot.gov>
Subject: Re: [EXTERNAL] Section 106 Continuing Consultation – Air Tours at Olympic National Park - Flattery Rocks National Wildlife Refuge

I am forwarding your email to the USFWS Regional Archaeologist and Historic Preservation Officer, Anan Raymond.

Jennifer Brown-Scott
Project Leader
Washington Maritime National Wildlife Refuge Complex
715 Holgerson Road
Sequim, WA 98382

(360) 457-8451

[~~Dungeness NWR](#)~[Protection Island NWR](#)~[San Juan Islands NWR](#)~[Copalis NWR](#)~[Flattery Rocks NWR](#)~[Quillayute Needles NWR](#)~~

From: ATMPTeam <ATMPTeam@dot.gov>

Sent: Friday, April 8, 2022 1:43 PM

To: BrownScott, Jennifer <jennifer_brownScott@fws.gov>

Cc: Conca, David J <Dave_Conca@nps.gov>; Ward, Vicki L <Vicki_Ward@nps.gov>; Walker, Judith (FAA) <judith.walker@faa.gov>; Rimol, Kaitlyn (Volpe) <Kaitlyn.Rimol.CTR@dot.gov>; Papazian, Jennifer (Volpe) <jennifer.papazian@dot.gov>; Schmidt, Jonathan (Volpe) <Jonathan.Schmidt@dot.gov>; McAlear, Zoe (VOLPE) <zoe.mcalear@dot.gov>

Subject: [EXTERNAL] Section 106 Continuing Consultation – Air Tours at Olympic National Park - Flattery Rocks National Wildlife Refuge

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Jennifer Brown-Scott:

The Federal Aviation Administration (FAA) and the National Park Service (NPS) are continuing Section 106 consultation with your office for the development of an Air Tour Management Plan (ATMP) at Olympic National Park. FAA is the lead federal agency for compliance with the Section 106 consultation for this undertaking.

The FAA and the NPS are writing to propose a finding of no adverse effects to historic properties in accordance with 36 CFR 800.5(c). We respectfully request your concurrence with the proposed finding within thirty days.

Should you seek additional information about any of the above, please contact me at (202) 267-4185 or Judith.Walker@faa.gov, copying ATMPTeam@dot.gov.

Thank you for your time and consideration.

Best Regards,
Judith Walker

APPENDIX G

NPS Statement of Compliance

APPENDIX G

NATIONAL PARK SERVICE STATEMENT OF COMPLIANCE

Olympic National Park Air Tour Management Plan

Compliance with NPS Management Policies Unacceptable Impact and Non-Impairment Standard

As described in National Park Service (NPS or Service) 2006 Management Policies, § 1.4.4, the National Park Service Organic Act prohibits the impairment of park resources and values. *Guidance for Non-Impairment Determinations and the NPS NEPA Process* (September 2011) provides guidance for completing non-impairment determinations for NPS actions requiring preparation of an environmental assessment (EA) or environmental impact statement (EIS) pursuant to the National Environmental Policy Act (NEPA). The applicable NPS guidance does not require the preparation of a non-impairment determination where a categorical exclusion (CE) is applied because impacts associated with CEs are generally so small they do not have the potential to impair park resources. Nonetheless, out of an abundance of caution, the NPS has completed a non-impairment analysis for the Olympic National Park (Park) Air Tour Management Plan (ATMP) and determined that it will not result in impairment of Park resources, or in unacceptable impacts as described in § 1.4.7.1 of the 2006 NPS Management Policies.

Sections 1.4.5 and 1.4.6 of Management Policies 2006 further explain impairment. Section 1.4.5 defines impairment as an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. Section 1.4.5 goes on to state:

An impact to any park resource or value may, but does not necessarily, constitute an impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- identified in the park's general management plan or other relevant NPS planning documents as being of significance.

Section 1.4.6 of Management Policies 2006 identifies the park resources and values that are subject to the no-impairment standard. These include:

- the park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic

features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;

- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.

This non-impairment analysis normally does not include discussion of impacts to visitor experience, socioeconomics, public health and safety, environmental justice, land use, park operations, wilderness, etc., as these do not constitute impacts to park resources and values subject to the non impairment standard under the Organic Act. *See* Management Policies § 1.4.6.

Non-Impairment Determination for the Olympic National Park ATMP

The purposes of Olympic National Park, along with Park significance statements and a description of the Park's fundamental resources and values, are described in the Park's Foundation Statement. *Foundation Document for Olympic National Park (Foundation Document)*, September 2017:

The purpose of the Park is to preserve for the benefit, use, and enjoyment of the people, a large wilderness park containing the finest sample of primeval forest of Sitka spruce, western hemlock, Douglas fir, and western red cedar in the entire United States; to provide suitable winter range and permanent protection for the herds of native Roosevelt elk and other wildlife indigenous to the area; to conserve and render available to the people, for recreational use, this outstanding mountainous country, containing numerous glaciers and perpetual snow fields, and a portion of the surrounding verdant forests together with a narrow strip along the beautiful Washington coast.

Foundation Document, page 5.

The Park's significance statements highlight several resources which may be impacted by commercial air tours including wildlife and cultural resources. *Foundation Document*, pages 6-7. Cultural resources, diverse ecosystems including the wildlife within, wilderness character, and natural soundscapes are listed as fundamental resources and values of the Park, all of which are potentially impacted by commercial air tours. *See* Foundation Document, pages 8-9.

As a basis for evaluating the potential for impairment or unacceptable impacts on Park resources, the NPS relied on the environmental analysis in the Environmental Screening Form (ESF) (Appendix B to the Record of Decision (ROD)); the Olympic National Park Air Tour

Management Plan Section 7 Endangered Species No Effect Determination (Appendix E to the ROD); and, the Section 106 Consultation and Finding of No Adverse Effect under Section 106 of the National Historic Preservation Act for the development of an Air Tour Management Plan for Olympic National Park (Appendix F to the ROD). The ESF includes analysis of impacts to air quality; biological resources including wildlife, wildlife habitat, and special status species; cultural resources including cultural landscapes, ethnographic resources, prehistoric and historic structures; soundscapes; lightscapes; wilderness; visitor experience; and viewsheds. The ESF considers both the change from current conditions as well the impact from the number of commercial air tours authorized under the ATMP. *See* ESF, Appendix B to the ROD.

The ATMP would result in limited impacts to the Park's natural and cultural soundscapes. Acoustic conditions in the Park were measured in 2010, 2011, and 2012 (Lee and MacDonald, 2016; Pipkin, 2021). To determine the severity of the effect and potential for impairment, the NPS considered not just the presence of noise and potential for disturbance, but also the duration, frequency, and amplitude of noise. Noise modeling for the ATMP discloses that noise from commercial air tours would be present near only the designated air tour route. *See* ESF, Appendix B to the ROD. Noise exceeding 35 decibels, which may degrade experiences in outdoor performance venues (American National Standards Institute (ANSI), 2007); increase blood pressure in sleeping humans (Haralabidis et al., 2008) and is the maximum background noise level inside classrooms (American National Standards Institute/Acoustical Society of America S12.60/Part 1-2010), would occur between 0-5 minutes a day for most areas along the designated air tour route. Some areas directly below the route would experience noise above 35 decibels for 5-10 minutes on a peak day. A limited number of areas would experience noise above 52 decibels, the level at which one may reasonably expect interference with Park interpretive programs, for between 0-5 minutes on a peak day. *ESF, Figures 2. and 3. Noise Technical Analysis*, Appendix B to the ROD. Because there is a maximum of 64 commercial air tours authorized under the ATMP, the area beneath or near the designated route would not have any noise from commercial air tours for at least 300 days per year. Therefore, the natural and cultural soundscapes of the Park remain unimpaired under the ATMP since noise impacts would occur infrequently and be short in duration, and impacts would occur in only those areas along the designated route, leaving the Park's natural and cultural soundscape largely unimpacted by commercial air tours.

ATMP impacts to wildlife occur from noise generated by aircraft. The analysis in the ESF discloses that noise would likely be heard by wildlife near the route. *See* Appendix B to the ROD. Noise from commercial air tours may impact wildlife in a number of ways: altered vocal behavior, breeding relocation, changes in vigilance and foraging behavior, and impacts on individual fitness and the structure of ecological communities to name a few (Shannon et al., 2016; Kunc et al., 2016; Kunc and Schmidt, 2019). However, again, to determine the severity of the effect and potential for impairment, the NPS considered not just the presence of noise and potential for disturbance, but also the duration, frequency, and amplitude of noise. Because of the limited number of commercial air tours, the impacts would be experienced for a few minutes on a limited number of days. The minimum altitude of the tours, between 2,000-3,000 feet (ft.)

above ground level (AGL), minimizes the potential for bird strikes for those species that are found at higher altitudes and is consistent with the avoidance recommendations for marbled murrelet and northern spotted owl habitats. (USFWS 2013). The NPS concluded, in consultation with experts at the U.S. Fish and Wildlife Service, that the commercial air tours would not affect listed species within the Park.¹ *No Effect Determination*, Appendix E to the ROD. In conclusion, the ATMP will not impair the Park's wildlife or its habitat because the impacts from commercial air tours do not rise above 35 decibels in most places affected, are extremely short in duration (on a peak day noise from commercial air tours in a given area does not exceed 10 minutes) and would not occur every day. Impacts to wildlife would occur on an individual species level and would not affect wildlife on the population level. These impacts do not impair the functioning of the Park's unique ecosystems and the wildlife within. Wildlife, including threatened and endangered species, will continue to thrive in the Park without a loss of integrity and visitors will continue to enjoy wildlife and their habitats.

Impacts to the Park's cultural resources would be similar in frequency and duration to those described above for wildlife. The NPS concluded, and the State Historic Preservation Officer (SHPO) concurred, that there would be no adverse effects on historic properties from the 64 commercial air tours authorized under the ATMP. The ESF and consultation materials documented that the ATMP would not diminish the Park's cultural landscape's integrity of location, design, setting, materials, workmanship, feeling, or association. Additionally, the determination documented that commercial air tours do not adversely affect those elements of ethnographic resources that make them significant to traditionally associated groups, nor does the ATMP interfere with the use of ethnographic resources by these groups. Finally, the analysis documented that the ATMP does not adversely affect the feeling and setting of archaeological sites or historic structures that make those sites and structures eligible for listing on the National Register of Historic Properties. *See* Appendices B and F to the ROD. Since there are no adverse effects on these resources, these resources would maintain their integrity and purpose and therefore remain unimpaired under the ATMP.

As disclosed in the ESF, the ATMP may have limited impacts on the Park's viewshed. As noted in the ESF, aircraft are not typically included in viewshed analyses because they are transitory. They are most noticeable because of the noise associated with them. As noted above, due to the short duration of these tours as well as the limited frequency, impacts to the Park's viewshed will be limited. Visitors will continue to be able to enjoy the Park's beautiful views unimpaired.

The NPS completed an air quality analysis and determined that the 64 commercial air tours authorized under the ATMP contribute a minimal amount of emissions to the local air quality and would not have a regional impact. *ESF, Air Quality Technical Analysis*, Appendix B to the

¹ A no effect determination means there will be no consequences to listed species or critical habitat from the ATMP.

ROD. Because the amount of emissions is so small the ATMP does not affect the integrity of the Park's air quality, leaving it unimpaired for future enjoyment.

Impacts to other resources potentially affected were considered so small and insignificant that they did not warrant a written analysis here.

Compliance with NPS Management Policies Regarding Appropriate Uses

A separate written appropriate use analysis is not required under NPS *Management Policies 2006*. In recognition of comments suggesting that the NPS consider whether commercial air tours are an appropriate use over the Park, for this ATMP the NPS has decided to briefly address the issue of appropriate use below.

NPS *Management Policies 2006* § 1.5 states:

An “appropriate use” is a use that is suitable, proper, or fitting for a particular park, or to a particular location within a park. Not all uses are appropriate or allowable in units of the national park system, and what is appropriate may vary from one park to another and from one location to another within a park.”

They further explain:

The fact that a park use may have an impact does not necessarily mean it will be unacceptable or impair park resources or values for the enjoyment of future generations. Impacts may affect park resources or values and still be within the limits of the discretionary authority conferred by the Organic Act. In these situations, the Service will ensure that the impacts are unavoidable and cannot be further mitigated.

§ 8.1.1.

In determining whether a use is appropriate, the NPS evaluates:

- consistency with applicable laws, executive orders, regulations, and policies;
- consistency with existing plans for public use and resource management;
- actual and potential effects on park resources and values;
- total costs to the Service;
- whether the public interest will be served.

§ 8.1.2

Parks may allow uses that are appropriate even if some individuals do not favor that particular use. The National Park Air Tour Management Act (NPATMA) contemplates that commercial air tours may be an acceptable use over National Park System units so long as protections are in place to protect park resources from significant impacts of such tours, if any. Therefore, commercial air tours are authorized by law, though not mandated, and generally may be appropriate where they do not result in significant impacts or cause unacceptable impacts on park resources and values.

Olympic National Park ATMP – consistency with NPS Management Policies for Appropriate Uses

The NPS relied on the mitigations in the ATMP (Appendix A to the ROD), the analysis in the ESF (Appendix B to the ROD), the Olympic National Park Air Tour Management Plan Section 7 Endangered Species No Effect Determination (Appendix E to the ROD), the Section 106 Consultation and Finding of No Adverse Effect under Section 106 of the National Historic Preservation Act for the development of an Air Tour Management Plan for Olympic National Park (Appendix F to the ROD), and the unacceptable impact and non-impairment analysis above and the language in NPATMA as a basis for finding that the ATMP's authorization of 64 commercial air tours over Olympic National Park are an appropriate use.

- The ATMP for Olympic National Park is consistent with applicable laws, executive orders, regulations, and policies. NPATMA specifically provides that air tours may be allowed over National Park System units where they do not result in significant impacts. Commercial air tours are not prohibited in applicable laws, regulations, or policies.
- The ATMP's authorization of 64 commercial air tours over the Park is consistent with the Park's existing management plans. No existing management plans preclude commercial air tours. Mitigations, including limiting the number of commercial air tours per year, restricting commercial air tours to the designated route, and setting minimum altitudes, limit impacts to public use and other resources.
- The effects of the 64 commercial air tours authorized in the ATMP on Park resources was evaluated in the materials referenced above and unacceptable impact and non-impairment discussion above. Impacts would be infrequent and short in duration and do not rise to the level of an unacceptable impact or impair Park resources. The NPS does not interpret § 8.1.1 as requiring the NPS to contemplate mitigating park uses to the point that the use no longer has any impact or no longer can occur. Rather, this section requires the NPS to consider whether there are mitigations that can reduce impacts to park resources and whether the impacts of those uses, after applying mitigations, result in unacceptable impacts or impairment. In this case, the NPS evaluated the impacts of commercial air tours and included specific mitigations in the ATMP to minimize impacts to Park resources. The NPS acknowledges that prohibiting commercial air tours entirely would avoid all impacts to Park resources, but the elimination of commercial air tours is not required to avoid unacceptable impacts or impairment of Park resources. The NPS believes the mitigations in the ATMP are sufficient to protect Park resources and that additional mitigations are not required because the impacts associated with the ATMP are not significant and do not result in unacceptable impacts or impairment.
- The cost to the NPS from implementing the ATMP includes yearly compiling of operator reported commercial air tours and aircraft monitoring data which is done in coordination with the Federal Aviation Administration (FAA). These activities would occur anyway, because they are required under NPATMA, regardless of whether the Park has an ATMP because commercial air tours are currently authorized under IOA. This is done by the

NPS's Natural Sounds and Night Skies Division which also provides noise monitoring, modeling, and planning support to parks across the country.

- While some visitors may not like commercial air tours, others appreciate the opportunity to view the Park from a commercial air tour. Commercial air tours, as contemplated in NPATMA, serve the public in this way.

In conclusion, the NPS has determined that because of the limited number of commercial air tours, and because those tours are restricted to one route and at a sufficiently high altitude, 64 commercial air tours authorized under the ATMP are adequately protective of Park resources and are an appropriate use of the Park. Additional commercial air tours and commercial air tours on other routes may not be appropriate.

Compliance with NPS Management Policies for Soundscape Management

A separate written compliance analysis for Soundscape Management is not required under NPS *Management Policies 2006*. In recognition of comments suggesting that the NPS consider whether the ATMP complies with NPS soundscape policies and guidance, the NPS has opted to briefly discuss the issue with respect to this ATMP.

Management Policies § 4.9 states, "The National Park Service will preserve, to the greatest extent possible, the natural soundscapes of parks." Section 5.3.1.7 similarly addresses cultural and historic resource sounds.

Section 8.4 specifically addresses overflights, including commercial air tours, which notes

Although there are many legitimate aviation uses, overflights can adversely affect park resources and values and interfere with visitor enjoyment. The Service will take all necessary steps to avoid or mitigate unacceptable impacts from aircraft overflights.

Because the nation's airspace is managed by the FAA, the Service will work constructively and cooperatively with the Federal Aviation Administration and national defense and other agencies to ensure that authorized aviation activities affecting units of the National Park System occur in a safe manner and do not cause unacceptable impacts on park resources and values and visitor experiences.

Director's Order #47 gives further guidance for the management of natural and cultural soundscapes, requiring the consideration of both the natural and existing ambient levels.

Olympic National Park ATMP – consistency with NPS Management Policies for Soundscape Management.

The NPS relied on the mitigations in the ATMP (Appendix A to the ROD), the analysis in the ESF (Appendix B to the ROD), the Olympic National Park Air Tour Management Plan Section 7 Endangered Species No Effect Determination (Appendix E to the ROD), the Section 106 Consultation and Finding of No Adverse Effect under Section 106 of the National Historic Preservation Act for the development of an Air Tour Management Plan for Olympic National Park (Appendix F to the ROD), and the unacceptable impact and non-impairment analysis above

as a basis for finding that the ATMP complies with the policies and guidance for management of natural and cultural soundscapes.

Consistent with Management Policies § 4.9, the ATMP eliminates some noise, or moves the Park closer to natural ambient conditions, by limiting commercial air tours to a maximum 64 tours per year, which is a reduction from the current authorized number (76 per year) under the Interim Operating Authority (IOA). *See* ATMP, Appendix A to the ROD. When developing the ATMP, the NPS considered the commercial air tour route and evaluated the potential for noise to reach the most sensitive resources in the Park, including cultural and natural resources, and areas where tours could disrupt educational opportunities. The commercial air tours occur along a designated route, which protects these areas from noise.

Management Policies § 5.3.1.7 prohibits excessive noise and § 1.4.7.1 prohibits actions that unreasonably interfere with “the atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic, or commemorative locations within the park.” Baseline acoustic conditions in the Park were measured in 2010, 2011, and 2012 (Lee and MacDonald, 2016; Pipkin, 2021). The existing ambient daytime sound level was reported to be 23-42 decibels, while the natural ambient daytime sound level was reported to be 21- 42 decibels. When determining the severity of the impacts, results from the noise modeling for the ATMP were considered against both the natural soundscape and existing soundscape. In this case, there is minimal difference between natural and existing soundscape conditions for median measures. As discussed above under the non-impairment discussion, the noise from commercial air tours is limited. Therefore, the noise from commercial air tours is neither excessive nor does it unreasonably interfere with the peace and tranquility of the Park; wilderness character; or natural or historic, or commemorative locations. For all these reasons, the ATMP complies with § 8.4 of the Management Policies, since the NPS has successfully collaborated with the FAA and developed an ATMP that will not result in unacceptable impacts to or impairment of Park resources.

Compliance with NPS Management Policies for Wilderness Preservation and Management

A separate written compliance analysis for Wilderness Preservation and Management is not required under NPS Management Policies. In recognition of comments suggesting that the NPS consider whether the ATMP complies with NPS wilderness policies and guidance, the NPS has elected to briefly discuss the issue with respect to this ATMP.

Management Policies do not specifically address commercial air tours. However, § 7.3 of Director’s Order #41 notes that commercial air tours are inconsistent with preservation of wilderness character and requires the NPS to consider ways to further prevent or minimize impacts of commercial air tours on wilderness character.

The ATMP does not allow commercial air tours to take off or land within wilderness. Therefore, § 4(c) of the Wilderness Act and § 6.4 of Director’s Order #41 do not apply and a minimum requirements analysis is not required. While the NPS did not complete a minimum requirements

analysis, the NPS did analyze and report on the impacts of commercial air tours on wilderness character and minimized those impacts where possible.

Olympic National Park ATMP – consistency with NPS Management Policies for Wilderness Preservation and Management.

The NPS relied on the mitigations in the ATMP (Appendix A to the ROD), the analysis in the ESF (Appendix B to the ROD), the unacceptable impact and non-impairment analysis above, and soundscape management analysis above as a basis for finding that the ATMP complies with the policies and guidance for Wilderness Preservation and Management.

Ninety five percent of the Park is designated wilderness. The NPS considered the impact of 64 commercial air tours on wilderness character, specifically on opportunities for solitude, the natural quality of wilderness character, and other features of value. The ESF acknowledges that noise from aircraft impacts wilderness character although the analysis demonstrates that the impact is limited. As described in detail above and in the ESF, noise from commercial air tours over wilderness will be infrequent, short, and limited to the area along the designated route. Wilderness character will remain unimpaired under the ATMP since a Park visitor will have the opportunity to hear the sounds of nature and experience the primeval character of the Park's wilderness, and the natural and cultural soundscape will remain largely unmarred by air tour noise the majority of time and in most of the Park's wilderness.

Consistent with Director's Order #41, § 7.3, the ATMP includes mitigations which minimize impacts to wilderness character including limiting commercial air tours to 64 per year, requiring aircraft to fly above 2,000 ft. AGL, and requiring commercial air tours to stay on a designated route. *See* ATMP, § 5.0, Appendix A to the ROD.

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The Wilderness Act, (1964), Public Law 88-577 (16 U.S.C. 1131-1136) 88th Congress, Second Session (As amended)

APPENDIX H

Summary of Public Comments and Comment
Analysis on the Draft Air Tour Management
Plan for Olympic National Park

**US Department of Transportation
Federal Aviation Administration**



**US Department of the Interior
National Park Service**



Olympic National Park

Summary of Public Comments and Comment Analysis on the Draft Air Tour Management Plan

July 2022

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INTRODUCTION

An Air Tour Management Plan (ATMP) would provide the terms and conditions for commercial air tours conducted over Olympic National Park (Park) pursuant to the National Parks Air Tour Management Act (Act) of 2000. The Act requires that the Federal Aviation Administration (FAA) in cooperation with the National Park Service (NPS) (collectively, the agencies) establish an ATMP or voluntary agreement for each National Park System unit for which one or more applications to conduct commercial air tours has been submitted, unless that unit is exempt from this requirement because 50 or fewer commercial air tour operations are conducted over the Park on an annual basis, 49 U.S.C. § 40128(a)(5).

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

A notification of the public review period for the draft ATMP was announced in the Federal Register, and the draft ATMP was provided for public review and comment from July 28 through August 28, 2021. In addition, the agencies held a virtual public meeting for the Park's draft ATMP on August 25, 2021. The draft ATMP was published on the NPS Planning, Environment, and Public Comment (PEPC) website (PEPC ID: 103431).

Any comments entered into PEPC by members of the general public, as well as any written comments mailed or emailed to the NPS, were considered and included in the overall project record. This *Public Comment Summary Report* provides a summary of the substantive comments submitted during the public comment period.

COMMENT ANALYSIS METHODOLOGY

Comment analysis is a process used to compile and correlate similar comments into a usable format for the agencies' decision-makers and the program team. Comment analysis assists the agencies in organizing, clarifying, and addressing information and aids in identifying the topics and issues to be evaluated and considered throughout the ATMP planning process.

The process includes five main components:

- developing a coding structure;
- employing a comment database for comment management;
- reviewing and coding of comments;
- interpreting and analyzing the comments to identify issues and themes; and
- preparing a comment summary.

A coding structure was developed to help sort comments into logical groups by topic and issue. The coding structure was designed to capture the content of the comments rather than to restrict or exclude any ideas.

The NPS PEPC database was used to manage the public comments received. The database stores the full text of all correspondence and allows each comment to be coded by topic and category. All comments were read and analyzed, including those of a technical nature, opinions, suggestions, and comments of a personal or philosophical nature.

Under each code, all comments were grouped by similar themes, and those groups were summarized with concern statements.

CONTENT ANALYSIS TABLES

In total, 4,142 correspondences were received providing 2,668 comments. The term “correspondence,” as used in this report, refers to each submission offered by a commenter. The term “comment,” as used in this report, refers to an individual issue and/or concern raised by a commenter that the agency coded by topic and category. A single commenter may have raised multiple comments within a correspondence. Similarly, multiple commenters raised many of the same comments. Of the correspondences received, eleven were identified as a form letter with minor variations, to which there were 3,178 signatories. Most form letters expressed opposition to air tours and requested the consideration of a “no flight alternative.” These letters also noted impacts to endangered species and disturbance to quiet and solitude. A few form letters expressed opposition to air tours as there is no demand, they do not reflect the purpose of the Park, and they disrupt the wilderness experience. The form letters with the most signatures expressed opposition to air tours, noting the increased noise at national parks and impacts to quiet and solitude, disturb wilderness characteristic, and requested that the NPS provide a “no flight” alternative.

The following table was produced by the NPS PEPC database and provides information about the numbers and types of comments received, organized by code, including form letters.

Comment Distribution by Code:

Code	Description	Comments	Percentage
ADV100	Adverse Impacts: Soundscape impacts	273	10.2 %
ADV200	Adverse Impacts: Wildlife/biological impacts	182	6.8 %
ADV300	Adverse Impacts: Endangered species impacts	176	6.6 %
ADV400	Adverse Impacts: Wilderness character impacts	453	17.0 %
ADV500	Adverse Impacts: Cultural resource impacts	1	0.0 %
ADV510	Adverse impacts: Visual impacts	10	0.4 %
ADV520	Adverse Impacts: Equity	72	2.7 %
ADV530	Adverse Impacts: Climate change / greenhouse gases / air quality	57	2.1 %
ADV600	Adverse Impacts: Other	27	1.0 %
ELE100	ATMP Elements: Annual number of air tours	31	1.2 %
ELE200	ATMP Elements: Routes and altitudes	35	1.3 %
ELE300	ATMP Elements: Aircraft type	15	0.6 %
ELE400	ATMP Elements: Day/time	18	0.7 %
ELE500	ATMP Elements: Other	55	2.1 %
FAV100	Benefits of air tours	8	0.3 %
NS100	Non-substantive comment: Support air tours	12	0.5 %
NS150	Non-substantive comment: Other	93	3.5 %
NS200	Non-substantive comment: Oppose air tours continuing	54	2.0 %
NS300	Non-substantive comment: Oppose air tours introduction	675	25.3 %
PRO100	Process Comments: Impact analysis	47	1.8 %
PRO200	Process Comments: Public review	10	0.4 %
PRO300	Process Comments: Alternatives considered	292	11.0 %
PRO400	Process Comments: Other	17	0.6 %
PRO500	Process Comments: NEPA	46	1.7 %
TRIBE	Tribal concerns	9	0.3 %

SUMMARY OF COMMENTS

The following text summarizes the comments received during the comment period and is organized by code. The summarized text is formatted into concern statements to identify the thematic issues or concerns represented by comments within the code. The focus on coding comments is on those comments with substantive content. Substantive comments raise, debate, or question a point of fact, or analysis of the impacts associated with the ATMP, or elements of the ATMP. Comments that merely support or oppose the ATMP are not considered substantive.

ADV100 Adverse Impacts: Soundscape Impacts

1. Commenters noted there is no justification or data presented that indicates that ark values will be protected from commercial air tour noise, noting the natural soundscape of the Park. Commenters also noted concern that air tours would impact soundscapes, destroying the peace and quiet in national parks. These commenters requested the agencies prohibit commercial and other air flights over natural parks and their natural areas citing protection of the soundscape for both wildlife and tourists.
2. Commenters stated that Congress developed the Act out of concern that noise from air tours could harm national park resources, values, and experiences for visitors. Commenters also noted air tours would violate Director's Order #47 and NPS Management Policy, Chapter 4.9, which states that the NPS will preserve, to the greatest extent possible, the natural soundscapes of parks.
3. One commenter expressed concern regarding noise impacts along a portion of the flight path shown in the draft ATMP near Kitchen Dick Road. The commenter referenced existing noise impacts that result from the Mason Wing Walking School and stated additional noise from air tours is unacceptable.
4. Commenters requested there should be days where flights are not allowed as determined by Park scientists, specifically to protect the existing soundscape.
5. Commenters provided numerous references to news and travel magazine articles that feature natural quiet, and also offered the following references related to soundscapes but not linked to a specific comment:
 - a. National Park Service. September 12, 1994. Report on effects of aircraft overflights on the National Park System. Report to Congress. Prepared pursuant to Public Law 100-91, The National Parks Overflights Act of 1987. Accessed August 27, 2021.
 - b. <https://www.nonoise.org/library/npreport/intro.htm>
 - c. Association of residential air pollution, noise, and greenspace with initial ischemic stroke severity: ScienceDirect
 - d. <https://onesquareinch.org/>

ADV200 Adverse Impacts: Wildlife/Biological Impacts

1. Commenters noted air tours would negatively affect wildlife and that the agencies are proposing flights in areas that are critical to various species including marmots, black bears, raccoons, beavers, mink, deer, elk, cougars, auklet birds and golden eagles, marbled murrelet and northern spotted owl, and marine mammals such as sea otters, sea lions, gray whales, salmon, dolphins, and seals.
2. Commenters referenced the Washington Islands National Wildlife Refuge's Comprehensive Conservation Plan and Environmental Assessment (EA), which notes harm is being done to the birds and mammals in the refuge because of small aircraft flights over the refuge.

3. Commenters noted the increase in military flights over the Park with the incursion of Growler Navy jet traffic from Whidbey Island, stating that additional air tours would further disturb wildlife habitat.
4. Commenters noted that many species of wildlife depend on their hearing to communicate, find prey, or avoid predators, and impacts to hearing would impact their survival. One commenter referenced “Protecting National Park Soundscapes,” Reid and Steve Olson, Rapporteurs; National Park Services; John A. Volpe National Transportation Systems Center. 2013. ISBN 978-0-309-28542-1 and Lynch, E, D. Joyce, and K. Fristrup. 2011. An assessment of noise audibility and sound levels in U.S. National Parks. *Landscape Ecol* 26:1297-1309.
5. Commenters requested various wildlife protection measures from establishing greater limits on time of day and the number of flights throughout the year to restricting the flight operations to daylight hours to restricting flights to only operate from 12:00-5:00 PM.
6. Commenters provided the following studies that show significant movement of wildlife away from human traffic corridors, noting that aircraft flight paths will be at least as detrimental to wildlife as roads: McClure, Christopher J. W., et al. "An Experimental Investigation into the Effects of Traffic Noise on Distributions of Birds: Avoiding the Phantom Road." *Proceedings of the Royal Society B: Biological Sciences*, vol. 280, no. 1773, 22 Dec. 2013, pp. 1-9 <http://wildlensinc.org/eoc-single/the-phantom-road/> and Caorsi VZ, Both C, Cechin S, Antunes R, Borges-Martins M (2017) Effects of traffic noise on the calling behavior of two Neotropical hylid frogs. *PLOS ONE* 12(8): e0183342. <https://doi.org/10.1371/journal.pone.0183342>.
7. Commenters referenced the following wildlife related studies without a specific comment:
 - a. Gladwin, D.N., D.A. Asherin, and K.M. Mancini. 1987. Effects of aircraft noise and sonic booms on fish and wildlife: results of a survey of U.S. Fish and Wildlife Service Endangered Species and Ecological Services Field Offices, Refuges, Hatcheries, and Research Centers. NERC-88/30. U.S. Fish Wildl. Serv., National Ecology Research Center, Fort Collins, CO. 24 pp.
 - b. Gladwin, D.N., K.M. Mancini, and R. Villeda. 1988. Effects of aircraft noise and sonic booms on domestic animals and wildlife: bibliographic abstracts. U.S. Fish Wildl. Serv. National Ecology Research Center, Ft. Collins, CO. NERC-88/32. 78 pp. Accessed August 27, 2021.
 - c. <https://www.nonoise.org/library/animbib/animbib.htm>
 - d. Mancini, K.M., D.N. Gladwin, R. Villeda, and M.G. Cavendish. 1988. Effects of aircraft noise and sonic booms on domestic animals and wildlife: a literature synthesis. U.S. Fish and Wildl. Serv. National Ecology Research Center, Ft. Collins, CO. NERC-88/29. 88 pp. Accessed August 27, 2021.
 - e. <https://www.nonoise.org/library/animals/litsyn.htm>
 - f. Dooling, R.J., M. R. Leek, and A. N. Popper. 2015. Effects of noise on fishes: What we can learn from humans and birds. *Integr Zool*. 2015 January; 10(1): 29-37. doi:10.1111/1749-4877.12094.

ADV300 Adverse Impacts: Endangered Species Impacts

1. Commenters noted the Park is host to the endangered gray wolf (eliminated in the 1920s), Humpback whale, blue whale, finback whale, sperm whale, sei whale, short-tailed albatross and threatened northern spotted owl, western snowy plover, marbled murrelet, bull trout, Puget Sound steelhead, and several species of salmon. Commenters noted these species need to be addressed with more than an informal consultation with U.S. Fish and Wildlife Service (USFWS), and that the not-yet-threatened and endangered Roosevelt elk should also be considered.

2. Commenters noted that sound-generating activities, such as low flying aircraft, located within close proximity of occupied nest sites or unsurveyed suitable habitat during early breeding or nesting season, have the potential to adversely affect both marbled murrelets and northern spotted owls. Commenters noted the cumulative effect of habitat loss from timber harvest and the noise disruption from military flights create significant challenges for these species, and they cannot afford to lose any more critical habitat due to noise disruption from commercial air tours over the Park.
3. One commenter referenced the USFWS Guidance for Northwestern California on estimating effects of auditory and visual disturbance to northern spotted owl and marbled murrelet (Field Supervisor, Arcata, California Fish and Wildlife Office, July 31, 2006), asking if similar guidance has been issued for Washington and if it has been reviewed in the preparation of the draft ATMP.
4. One commenter felt that the agencies made a pre-determination of the results under Section 7 without the facts proving their accuracy. One commenter noted it is also not clear in the ATMP what measures will be incorporated and implemented based on Section 7 Consultation with the USFWS at each Park.
5. Commenters specifically referenced concern regarding orca whales, gray whales, humpback whales, and marmots, which rely on sound to communicate with each other and hunt and that air traffic impedes their ability to hear each other, thus affecting mating and communicating about predators.
6. One commenter noted the University of Washington study on the impact of Navy flights on endangered orcas, which found significant impacts even 100 feet (ft.) underwater.
7. Commenters noted the ocean offshore of the Park's wilderness beaches is designated critical habitat for the Southern Resident Killer Whales per the National Oceanic and Atmospheric Administration (NOAA), referencing <https://www.fisheries.noaa.gov/west-coast/endangered-species-conservation/critical-habitat-southern-resident-killer-whales>. Commenters noted the ATMP makes no mention of this nor of any effects of noise from low altitude air tours might make upon orca behavior, asking if these beaches are off limits to air tours.
8. Commenters also cited various sources including Nelson, S.K. and T.E. Hamer. 1995; Ralph, C.J., G.L. Hunt, M.G. Raphael, J.F. Priatt, eds; Ecology and conservation of the marbled murrelet. Gen. Tech. Rep. PSW-512. U.S. Department of Agriculture, Forest Service, Pacific Southwest Research Station. pp. 57-67.

ADV400 Adverse Impacts: Wilderness Character Impacts

1. Commenters noted that commercial air tours and aircraft overflights, by definition, negatively affect wilderness character, that the ATMP does not acknowledge compliance with the Wilderness Act, and that the agency's own guidance on monitoring wilderness character in *Keeping It Wild 2: An Updated Interagency Strategy to Monitor Trends in Wilderness Character Across the National Wilderness Preservation System* (Landres et al. 2015, RMRS GTR-340) recognizes the negative impact to natural soundscapes. Commenters also noted helicopter tours do not fit into the five qualities of wilderness character.
2. Commenters noted that the loss of air tour overflights would be a negligible loss compared to the other values provided to the people of the United States and the world by a quiet wilderness.
3. One commenter stated that FAA Rule 14 CFR Part 93, which has determined that aircraft noise impacts are eliminated by mandating that aircraft not overfly urban communities, should be applied to National Park designated wilderness areas. This commenter provided the following references:

https://www.faa.gov/regulations_policies/rulemaking/media/NYNShoreHelicopterFinalRule.pdf; and <https://www.planenoise.com/docs/12-1335-1446255.pdf>

4. One commenter noted that many of the Park's websites make numerous references to the wilderness that covers 95% of the Park and the NPS needs to protect the immediate airspace above and surrounding these national parks from unnecessary noisy intrusions by commercial air tours, including helicopters referencing: Wilderness Trip Planner - Olympic National Park (<https://www.nps.gov/olym/planyourvisit/wilderness-trip-planner.htm>); Wilderness - Olympic National Park (<https://www.nps.gov/olym/planyourvisit/wilderness.htm>); and Olympic National Park (<https://www.nps.gov/olym/index.htm>).
5. Commenters suggested that tours could still be offered outside the Park's boundaries and/or over 5,000 ft. above ground level (AGL) with views of the Park still possible while fully protecting the Park's designated wilderness areas.

ADV500 Adverse Impacts: Cultural Resource Impacts

1. One commenter noted that the draft ATMP does not acknowledge compliance with the National Historic Preservation Act (NHPA) and should not be signed by the NPS until it does. While commenters referenced general protection of cultural resources, no other specific comments were provided.

ADV510 Adverse Impacts: Visual Impacts

1. Commenters noted concern that air tours would cause visual disruption, ignoring the fundamental requirement of the Organic Act.

ADV520 Adverse Impacts: Equity

1. One commenter noted that air tour clients have limitations, including both physical and age, which prevents them from experiencing the vast beauty of the Park with its glaciers, waterfalls, peaks, valleys, and hues that are facilitated with air tours.
2. Commenters stated that air tours add to inequity by putting the interests of those who can afford the experience over the many who prefer the quiet, which means that a few wealthy individuals are creating unwanted visual impacts and unwelcomed noise. The commenter added that parks should be able to be equally enjoyed by all, regardless of income and that this is an environmental justice issue.

ADV530 Adverse Impacts: Climate Change, Greenhouse Gases, and Air Quality

1. Commenters noted that air tours adversely affect air quality and contribute to pollution, climate change, respiratory illness, and cancer. Several commenters referenced the Intergovernmental Panel on Climate Change report asking the agencies to ensure this proposal does not move forward to not add more greenhouse gases.
2. One commenter advocated for electric flights as a means to address climate change.

ADV600 Adverse Impacts: Other

1. One commenter was concerned about health effects of noise, noting that the duration, quality, and vibrational level of noise can be as important as the volume and that noise can cause a stress reaction, which contributes negatively to all manner of health problems and the effects can be cumulative.

2. One commenter noted the failure to take into account human impacts citing the most common health problem it causes is Noise Induced Hearing Loss (NIHL), and that exposure to loud noise can also cause high blood pressure, heart disease, sleep disturbances, and stress. The commenter added that these health problems can affect all age groups, especially children, and provided the following reference: <https://www.nationalgeographic.org/encyclopedia/noise-pollution/>.
3. One commenter suggested higher taxes and fees in order to hike in the wilderness in order to avoid noise and pollution of aircraft.
4. Several commenters noted that noise and vibration caused by low-flying aircraft can create life-threatening hazards to Park visitors by triggering avalanches or creating a fire.
5. Several commenters noted general safety concerns related to air tours noting that, for hikers with moderate hiking abilities, the risks from air traffic would distract hikers and climbers, potentially causing hazards from slips, falls, or delays (related to dark and cold night conditions due to delays).
6. One commenter noted that business generated by overflights is highly seasonal, and is further constrained by local wind and weather conditions with similar businesses in southeast Alaska typically operating with seasonal out-of-state crews and aircraft, contributing little to the local economy.
7. One commenter referenced their work with veterans and stated that the Park's quietude is a place for veterans to find peace and cope with post-traumatic stress disorder, noting they believe that veterans need the tranquility of this Park to better their mental health.
8. One commenter noted they strive to fly as quietly as possible to ensure continued access to air tours suggesting that they are paying the price for non-jurisdictional aircraft flying in the Park that do not respect the wilderness environment.
9. One commenter noted that the pandemic environment caused a disruption of available activities and as a result there was a massive increase in air tour requests and that they would use up their quota for this year.

ELE100 ATMP Elements: Annual Number of Air Tours

1. One commenter noted that the maximum 64 annual commercial air tours appears to arise from a calculation of the three-year average of total air tours reported in 2017, 2018, and 2019, not usage based on enactment of the Act, which is not consistent with the Act's legislative history, which provided that: "In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation." (106th Congress, H.R. 717, H.Rept. 106-273). The commenter stated that the authorized number of air tours should be no more than the lesser of actual usage in 2000 or the more recent three-year window average. Other commenters noted a similar sentiment and referenced: https://www.nps.gov/subjects/sound/upload/NRSS_NRR_2019_Air_Tour_Report_20200824.pdf; https://www.nps.gov/orgs/1981/upload/Interagency-2020-Vision_508.pdf
2. One commenter suggested any future adjustments to annual limits be based on relevant data collected during the course of the ATMP, as well as an appropriate analysis of such data.
3. One commenter noted that Section 6 of the draft ATMP, regarding New Entrants, seemed to leave the door open for additional flights above the annual cap stated in Section 3.1 of the draft ATMP if/when new entrants are involved. To address this concern, the commenter requested that Section 6 of the draft ATMP be clarified to say that, "While the allotment of annual flights may

be redistributed from existing operator(s) to accommodate new entrants, the cap on the total number of annual flights will remain the same as stated in Section 3.1 of the plan.”

4. One comment noted that, in Section 9.0 of the draft ATMP, third paragraph, there should be no right to amend the ATMP to increase the total number of annual air tours.
5. Several commenters requested a variation in the number of flights ranging from two no-fly days per week; no more than two flights in any one day; an unspecified monthly maximum; zero flights; no more than 60 flights per year; only a few hours daily; no more than a few days per month; reduction of flights by half; no more than 25 or 30 flights per year; or no more than five flights per month at a frequency of one per week, preferably on a regular day of week so that public wishing to visit on a day without the air tours would know what days had no tours. Other commenters requested procedures be put in place, which allow the Park to establish no-fly periods for special events or planned Park management.
6. Commenters noted that increasing the ATMP to five flights per year would not have any measurable impact compared with the proposed one flight per year yet would have a tremendous impact on business viability. A commenter also noted preference for maintaining the number of flights in the previous ATMP.
7. One commenter noted that the draft ATMP is confusing when referring to 64 annual commercial air tours in Section 3.1 of the draft ATMP. The commenter suggested another phrase should be added to that paragraph to clarify if that means 64 flights per year or 64 days.
8. One commenter stated that a requirement should be added that no more than two of the authorized flights annually may be operated in any one day, noting impacts to natural habitat and visitor experience.

ELE200 ATMP Elements: Routes and Altitudes

1. One commenter stated that the minimum AGL of 2,000 to 3,000 ft. is insufficient to prevent disruption on the ground; it should be at least the 5,000 ft. recited in Section 2.0 of the draft ATMP and with the qualifications on no deviations as discussed there. The commenter also stated that there is no reason to adopt varying altitude requirements, except in an emergency or to avoid unsafe conditions, for various parts of the Park, as all parts of the Park should be valued and protected.
2. One commenter referenced that, in Section 2.0 of the draft ATMP, with respect to the phrase “or necessary for safe operation of an aircraft as determined under the rules and regulations of the FAA requiring the pilot-in-command to take action to ensure the safe operation of the aircraft,” that the FAA has used similar language elsewhere to allow for aircraft operation at less than 5,000 ft. (or other purported minimum altitude requirement) above actual ground level, under visual flight rules or otherwise, (1) where cloud cover is lower than the otherwise minimum altitude, or (2) where terrain is uneven as in ridges and valleys and the aircraft is flying over the higher terrain. The commenter stated that these exceptions deplete the rule and allow for much of flight operations to occur at less than the stated minimum altitude with resultant significantly amplified ground disturbances. The commenter stated that this and all other minimum altitude requirements should eliminate the exception and replace it with requirements that (a) flights will operate at all times at the stated minimum altitude over any part of the terrain, and (b) flights will not operate or, if in operation, will discontinue operations where cloud cover or other conditions are expected to require them to deviate below the stated altitude.
3. Regarding Section 3.2 of the draft ATMP, first sentence (authorized route), one commenter questioned the basis for this specific route, whether it is to maximize the scenic opportunities of the commercial air passengers and profit of the operator, or if it is to minimize actual ground

disruptions to the natural habitat and visitor experience. The commenter stated that it should be the latter, and if not, then the approved route should be modified to that effect.

4. One commenter stated that the justification for the 2,000 to 3,000 ft. minimum AGL altitude in Section 4.0 of the draft ATMP is not sufficient. The commenter noted that the measure against the actual physical injury threshold for animal life does not account for disruption of natural habitat and does not address at all the disruption to the visitor experience. The commenter also noted that the noise from helicopters/rotary aircraft, which are the bulk of commercial air tour operations, are far louder and far more disruptive than fixed wing aircraft, both in general cruise mode and especially in altitude adjustment mode, and are more impactful at any altitude, approaching if not exceeding the cited 92 decibel (dB) injury level.
5. One commenter noted that the airspace governed by the Act is relatively limited, defined as up to 5,000 ft. above the ground and within ½-mile of Park boundaries. The commenter stated that it only applies to low-altitude commercial air tour flights over these parks and that such flights could easily avoid ATMP requirements entirely simply by flying no less than 5,001 ft. AGL at these parks.
6. One commenter noted that the flight path shown in Figure 2 of the ATMP shows approximately 1/3 to 1/2 of the flight path over areas outside the Park, including over a portion of the Strait of Juan de Fuca; however, the limitations placed on the air tour operators, such as altitude restrictions, are only for those portions of the flights that occur over the Park. The commenter suggested that the flight path be revised so that the flights are only over the Park, other than the most direct path to and from Fairchild Airport.
7. One commenter stated that the figure eight flight pattern would have an extensive impact on the soundscape of the wilderness inside the Park.
8. One commenter suggested that the ATMP should be amended to include that aircraft operations above national park units known to be inhabited by eagles should not be permitted below 10,000 ft. AGL.
9. Other commenters suggested aircraft flights, fixed wing, rotary wing, and drones should not be permitted below 7,500 ft. AGL over any national park, seashore, or preserve except for activities such as emergency search and rescue and firefighting, or when performed infrequently and with strict controls, such as for forest treatment, or in support of scientific research. One commenter stated that the only exception would be urban parks, such as Independence National Historical Park and Golden Gate National Recreation Area.
10. Several commenters noted that airplane noise travels much farther and the planes are flying over remote areas where those truly trying to be in the wilderness have worked hard to get there and managing the Park to best protect wilderness and benefit the most people requires ending air tours below 5,000 ft. AGL.
11. Others recommended that the NPS adopt a uniform requirement of 4,000 ft. AGL throughout the entire air tour route over the Park to protect wilderness and on the east side of Mount Olympus, as needed, to ensure that air tours do not routinely intrude within that important sight line.
12. Another commenter suggested a 3,000 ft. minimum altitude.
13. One commenter noted a minimum altitude of 2,500 ft. AGL seems acceptable, but flights should not be allowed to fly in a circular pattern.
14. One commenter stated that parks should consistently be considered as “noise sensitive areas” as described in FAA Advisory Circular (AC) No. 91-36D and that the voluntary compliance recommendations under the AC should be a requirement for ATMPs for all National Parks by prohibiting air tours at significantly less than 2,000 ft. AGL.

15. One commenter specifically requested a minimum horizontal setback distance from the majestic mountain peak.

ELE300 ATMP Elements: Aircraft Type

1. Several commenters expressed opposition to allowing helicopters, airplanes, drones, or any type of aircraft in national parks. Commenters specifically noted opposition to helicopters that have a greater impact than fixed-wing aircraft. Other commenters noted that smaller planes have much more of an impact on the quiet than commercial flights above 5,000 ft. AGL and should be strictly regulated or prohibited.
2. Regarding Section 3.8 of the draft ATMP regarding Quiet Technology (QT) Incentives, commenters asked clarifying questions including:
 - a. Does converting to QT aircraft only apply to new aircraft employed by the operator?
 - b. How much quieter will the aircraft have to be?
 - c. Since an improvement of only a few decibels would be indistinguishable to wildlife and visitors, has the required improvement been quantified?
3. Regarding Section 3.3 of the draft ATMP, commenters noted that noise-reducing technology currently exists in next generation commercial air tour aircraft, and that any authorized new or replacement aircraft should be required to utilize the maximum noise-reducing technology and models, rather than simply not exceed the prior noise levels, and this should be an express requirement for any FAA/NPS concurrence.
4. One commenter requested that only electric powered aircraft should be allowed.
5. One commenter requested annual aircraft certification of noise levels of less than 100 decibels within 10 ft. of the aircraft.

ELE400 ATMP Elements: Day/Time

1. Commenters suggested that flights be limited to full daylight hours or a set time between 9:00 AM and 4:00 PM to protect wildlife and backpackers. Other commenters suggested shorter windows of operation with set time limits ranging from no more than 2 hours per day to 10:00 AM – 3:00 PM.
2. One commenter noted that, in Appendix A, it seems that daily flight operations are unlimited and suggested that the NPS at least set a daily cap of flights per day, to minimize noise and visual disruption, and to set expectations for both the tour operators in the air and the wilderness visitors on the ground.
3. Commenters recommended seasonal limitations to exclude air tours during mating season, hibernation season, and other inappropriate times that can adversely affect wildlife, as determined by Park specialists.
4. One commenter requested that air tour flight schedules coordinate with those of the Navy Jet Growlers as the noise that the air tours would make would then be negligible in comparison.
5. One commenter stated that, in Section 3.4 of the draft ATMP, the allowable hours of operation during the day do not adequately minimize disruption to the natural habitat and visitor experience, and that there should be a narrower window of no more than two hours, 11:00 AM to 1:00 PM, to constrain the actual time of operation. The commenter added that any such limitation should not be linked purely to sunrise and sunset, which vary greatly by park and season, but should be stated as more restrictive, as in “may operate from the later of four hours after sunrise or 11:00 AM to the earlier of four hours before sunset or 1:00 PM.”

ELE500 ATMP Elements: Other

1. One commenter recommended that every ATMP include a detailed competitive bidding process to prevent a monopoly, citing 49 U.S.C. §40128(a)(2)(B), 14 CFR 136.41(c), Federal Register Vol. 72/No. 29, FAA Order 8900.1, FAA N8900.312, and FAA AC 136-1.
2. One commenter recommended that Section 3.8 of each draft ATMP include a definition or reference to FAA guidance defining QT aircraft. For example, the opening sentence of the section could be revised to state: “This ATMP incentivizes the adoption of QT aircraft, (add) as described in FAA Advisory Circular AC-93-2, by the commercial air tour operator conducting commercial air tours over the Park.”
3. Commenters noted that Section 3.1 of the draft ATMP does not place a limit on the duration of the flights.
4. Regarding Section 3.8 of the draft ATMP, one commenter stated there should be no enhanced operation incentive for quieter aircraft, as they will still have a negative impact during hours of operation. The commenter stated that the QT incentive should instead apply solely to the ability to replace aircraft. The commenter noted there is no definition provided for “quiet technology aircraft,” and therefore, a definition should be added that quantifies specifically the maximum noise standards that qualify as such, and the standard should be a significant reduction of at least 50% to qualify for ability to replace.
5. Regarding Section 3.6 of the draft ATMP, one commenter stated that the required reporting should be fully accessible to the public and that there is no proprietary claim by any operator to information on operations.
6. One commenter recommended that Section 3.7 of the draft ATMP require operators to provide tour passengers with an informational brochure or rack card that explains they will be flying over a noise sensitive area, which may include wildlife habitat, wilderness areas, and cultural sites, and that special restrictions (such as AGL requirements) are in effect to minimize the adverse impacts of aircraft noise on the environment below.
7. One commenter advised that the language in the proposed ATMPs should be revised from “may” to “is required on at least an annual basis” where it references pilot training and safety briefings. The commenter added that both NPS resource management scientists and administrative personnel should be involved.
8. Another commenter noted there should be adaptive management that allows the NPS to close airspace in critical habitat areas.
9. One commenter advocated for easy and prompt methods for the public to report violators, including a phone number capable of receiving text messages for each park directly to the Park authorities. The commenter also suggested requiring that the messages are immediately responded to by the Department; penalties are provided for violations; and licensing/certification fees are charged to tour operators to cover costs of monitoring and enforcement of the program.
10. Regarding Section 3.7B of the draft ATMP, one commenter stated that the meeting should be fully open to the public for participation.
11. Regarding Section 5.0 of the draft ATMP, first sentence, one commenter stated there should be a date by which the operator must modify the Operations Specifications (OpSpecs) to comply with the ATMP or cease any operations, and that the deadline should be a matter of a few months.
12. Regarding Section 5.0 of the draft ATMP, a commenter noted that the plan indicates the Seattle Flights Standards District Office (FSDO) will be responsible for enforcement and investigation of any complaints of non-compliance. The commenter noted concern about how the Seattle FSDO would handle enforcement and investigation of any complaints pertaining to flights over the Park.

The commenter requested that compliance be handled by the FAA management office in Washington, DC, rather than through the Seattle FSDO.

13. Regarding Section 5.1 of the draft ATMP, one commenter stated that all aircraft should be required to install Automatic Dependent Surveillance-Broadcast Out (ADS-B OUT) technology and to operate from the beginning to the end of any flight under the ATMP in full transmit mode; the commenter noted that these measures are critical to adequate enforcement of and public confidence in the ATMP that all such operations be public and subject to public review and complaint in real time by specific identification of the aircraft, operator, time, altitude and location. The commenter stated that, while operators have sometimes taken the position that such information is private, that this is not acceptable; there is no expectation of privacy by any operator in such operations.
14. Regarding Sections 6.0 and 7.0 of the draft ATMP, one commenter stated there is no provision setting forth requirements for any operator sale of its business or transfer of its temporary license to overfly the Park under this ATMP, and that one should be added that at a minimum requires QT. In addition, the commenter stated that reasonable operator licensing, certification, insurance, and bond requirements should be included as a condition of authorized operations under the ATMP to ensure maximum safety and compliance.
15. Regarding Section 8.0 of the draft ATMP regarding Adaptive Management, one commenter stated this should not be authorized in the event it would increase the number of commercial air tours allocated or decrease minimum altitude or other mitigation requirements or otherwise increase noise emission or other negative impacts on the natural habitat and visitor experience, and that any proposed modifications under “adaptive management” should be available to the public for advance comment.
16. One commenter referenced an existing bi-plane tour that has no muffler and operates every day of the week from sunrise to sunset. The commenter expressed concern that the rules within the ATMP would be followed citing current infractions.
17. Commenters noted that the ATMP allows for new entrants to also fly air tours over the Park and requested the ATMP clearly state that the 64 annual flights are total flights, not flights per entrant/air company.

FAV100 Benefits of Air Tours

1. Several commenters noted excitement and enjoyment of air tours while other commenters noted they realize that some people cannot hike and would benefit from air tours.
2. One commenter noted that the benefit of air tours is the fees that the Park would collect from the vendor.

PRO100 Process Comments: Impact Analysis

1. One commenter stated that the ATMP does not quantify or adequately analyze impacts under the National Environmental Policy Act (NEPA). The commenter noted that the NPS admits there are impacts to wildlife and wilderness visitors from aircraft overflights and disruptions of natural soundscapes but does not put those impacts into context. The commenter added that there is extensive scientific research on impacts to wildlife, including threatened and endangered species, and social science surveys on the impacts to wilderness visitors, but none of the ATMPs engage in the kind of analysis that references the large body of scientific studies.
2. Commenters noted there is no mention of existing natural sound levels at the Park, or references to the extensive and archived NPS 2010 natural sounds research/report on the Park, archived in Integrated Resource Management Applications (IRMA), which records detailed findings

regarding the baseline in quantitative terms such as decibels for natural quiet. Commenters stated that the Lmax heard on the ground would be essential to measure/report quantitatively, and to be a regulated noise assessment metric, periodically, regularly assessed and enforced, and that Lmax for any given air tour should be held at or below 60 dBA, as per the NPS Zion National Park 2010 Soundscape Management Plan, all along the intended flight track. Another commenter noted that the ATMP and environmental analysis should assess the value of natural sounds and quiet and asked what is the background and the natural sounds level, what constitutes impairment, and why is there no measure or discussion of noise from increased decibel levels. Commenters referenced <https://www.nps.gov/features/wilderness/interactivewebfeature/files/> and noted that, “Qualities of Wilderness character include a lack of modern development and opportunities for visitors to experience quiet and solitude.” One commenter also referenced the Park’s Environmental Factors website at <https://www.nps.gov/olymp/learn/nature/environmentalfactors.htm>.

3. Commenters stated the ATMPs all fail to take into account cumulative impacts from other aircraft use, military use, private use, commercial airline use, and the rather extensive NPS use of helicopters and other aircraft in and over wilderness including the Navy Growler jet flights in the Park.
4. One commenter requested the analysis of impacts of flights from a reasonable past time period, noting that COVID may have impacted tourism, and thus 2020 is not a reasonable time period. The commenter requested a review of the past decade to define the number of annual tours for the analysis. The commenter also noted that analyzing the impacts of flights at various altitudes over the Park outside of current conditions in an action alternative is a waste of time and energy as helicopters are allowed to fly lower for safety issues including weather, and that fixed-wing aircraft also are governed by flight rules for altitude.
5. One commenter noted the availability of the NPS Natural Sounds Office’s Natural Sounds Acoustic Monitoring Reports for many of the Parks required to issue ATMPs (https://www.nps.gov/subjects/sound/acousticmonitoring_reports.htm), yet none of the ATMPs issued thus far contain any such analysis, even though the NPS has baseline data for ambient sound levels at many of the air tour parks. The commenter added that the ATMPs provide no explanation for why such information has been omitted.
6. One commenter stated that, in January 2015, the NPS Pacific West Region developed a Draft Wilderness Air Tour Noise Assessment Strategy to ensure a systematic way to assess air tour noise impacts on wilderness character, but that it is unclear to the public if the Park soundscape data was analyzed for potential air tour noise impacts on wilderness character in this draft ATMP based on this document.
7. One commenter suggested that the agencies require three days advance notice of any such flight, so as to enable positioning of interested agency personnel somewhere along the route, to qualitatively experience and or actually measure actual sound impact at location points of interest. The commenter recommended that the naturally quietest place (decibel baseline in the 20’s), Hurricane Ridge, should be specifically included for this assessment.
8. In reference to NPS management policies, one commenter stated that the NPS should first prepare an appropriate use analysis as part of its planning document(s) to determine if such use should be allowed to continue or if it should be prohibited as provided for in Section 40128(b)(3)(A) of the Act. The commenter added that air tours are not mandated under the Act and an ATMP for a national park may prohibit commercial air tour operations in whole or in part.

PRO200 Process Comments: Public Review

1. One commenter noted that more information is needed before approving the Plan ATMP and, therefore, more public meetings are required. Other commenters requested the public comment period be extended to allow for thorough planning while others expressed concern that the process used to solicit public comments was inadequate.
2. Commenters also asked when the required NEPA analysis will be completed and how the public could comment on that NEPA analysis.

PRO300 Process Comments: Alternatives Considered

1. Many commenters requested the inclusion, analysis, and adoption of a “no flight alternative” in each national park ATMP for the protection of national parks and wildernesses from the disturbing noise and intrusion that comes from low-flying aircraft on commercial air tours, rather than only soliciting public comments on allowing some level of air tours.
2. Several commenters noted that, even though the legislation provides that a total ban on air tours is permissible, this alternative was never proposed in the ATMPs. Other commenters stated that NEPA requires that all “reasonable alternatives” be considered and given equal weight. Commenters noted a precedent for a ban on overflights in Crater Lake and Rocky Mountain National Parks, and Olympic being a true wilderness park, seems a perfect candidate for a scenic overflight ban.
3. Commenters expressed concern that the initial four ATMPs available for public comment are simplistic documents with no scientific data or analysis to justify the proposed actions and no consideration of alternatives other than to institutionalize the status quo level of air tours at the respective parks.

PRO400 Process Comments: Other

1. One commenter noted that the Act applies to areas within and ½ mile outside of the Park, and to elevations below 5,000 ft. AGL, which includes The Washington Island National Wildlife Refuge that is contiguous to the Park and therefore must also be considered in this proposal. The commenter indicated that a letter was sent to the Refuge announcing this draft proposal as stated in the August 25th presentation and questioned if the proposal will be considered regarding the Refuge.

PRO500 Process Comments: NEPA

1. Commenters noted that the actions being proposed for the ATMPs do not fall under those listed as Categorical Exclusions (CE) under 43 CFR Part 46 and Part 516 Chapter 12. Commenters also referenced Title 49 U.S. Code 40128 in relation to approval of NEPA documents.
2. Commenters noted the Act states that establishing an ATMP is subject to NEPA and does not exempt ATMPs from any analysis at all, as is being proposed. The commenter also referenced the published regulations for ATMP at Federal Register, 10/25/02, page 65668. Commenters questioned the reasoning offered by agency staff at public meetings that the action is simply ratifying existing numbers of air tour operations and adjusting the Interim Operating Authority (IOA) allocating air tour flight numbers to reflect that current reality.
3. One commenter stated that the NPS process for development of ATMPs is unclear, and noted that the website <https://www.nps.gov/subjects/sound/airtours.htm> mentions NEPA, but does not explain whether these ATMPs are considered NEPA documents. The commenter noted that the absence of no flight options in each of the ATMPs (or any other alternative) suggests that the

ATMPs are not NEPA documents, and thus it is unclear what the NPS intends to do regarding NEPA compliance while meeting certain timeframes.

4. Commenters noted that the NPS issued proposed actions under the ATMPs for public comment without disclosing the environmental impacts of those actions as required under NEPA and related FAA and NPS NEPA policies. One commenter referred to 40 CFR 1501.2(b)(2) noting Federal agencies are required to disclose impacts. Commenters also referenced <https://www.law.cornell.edu/cfr/text/40/1501.2>; requirements in FAA's NEPA policies in Order 1050.1F at https://www.faa.gov/documentLibrary/media/Order/FAA_Order_1050_1F.pdf; and, NPS NEPA policies in its NEPA Handbook 2015, Section 1.4.A (https://www.nps.gov/subjects/nepa/upload/NPS_NEPAHandbook_Final_508.pdf).
5. Commenters expressed concern that the ATMP may be modified without a formal amendment based on existing compliance, given that the compliance does not yet exist, or that the agencies may make future modifications of the ATMP without any further compliance under NEPA, NHPA, and ESA.
6. Commenters noted that impact consideration of air tours at Olympic and Mount Rainier National Parks should consider the ongoing impacts of commercial and military air traffic. Commenters noted these impacts are cumulative and pursuant to NEPA and must be considered in the evaluation of new impacts, and that the impact of Navy jets from NAS Whidbey on Olympic National Forest and the Park is already significant.
7. Commenters noted the combination of the terms "ATMP" and "NEPA" implies the agencies would integrate the proposed plan with NEPA and other compliance.

TRIBE Tribal Concerns

1. The proposed ATMP documents provide no information regarding FAA and/or NPS compliance with the NHPA, which should include consultation with potentially affected Native American Tribes. Commenters noted specifically that the Olympic ATMP provides no information regarding consultation with the following eight Tribes that have traditional associations with lands located within the Park: Makah, Quileute, Hoh, Quinault, Skokomish, Port Gamble S'Klallam, Jamestown S'Klallam, and the Lower Elwha Klallam. (<https://www.nps.gov/olymp/learn/the-people-of-the-olympic-peninsula.htm>).
2. Commenters noted that Klallam tribal fishing areas are directly under the area shown in Figure 2, and no reference is made to determine the impact of these flights on those fishing areas or whether the Tribe was notified of this specific proposed flight path.
3. Commenters cited general requirements for tribal consultations, including FAA Order 1050.1F, Section 2-4.4, FAA Order 1210.20, and American Indian and Alaska Native Tribal Consultation Policy and Procedures at https://www.faa.gov/about/office_org/headquarters_offices/arc/programs/grand_canyon_overflights/documentation/FAAOrder1210.20.pdf as well as Section 4.14 of the NPS NEPA Handbook 2015.
4. One commenter urged the Department of the Interior, the Department of Transportation, the Bureau of Indian Affairs, and the FAA to champion Congress's determinations and implement ATMPs for all Tribal sacred sites, many of which, like national parks, are being harmed by unregulated air tours, and all of which must be protected for current and future generations. The commenter urged the U.S. Department of the Interior (the administering department of the NPS) and the U.S. Department of Transportation (the administering department of the FAA) to develop ATMPs to protect Tribal sacred sites and lands throughout the United States. The commenter stated that Tribal sacred sites, like national parks, are being harmed by unregulated commercial

air tours, and just as the NPS prescribes for national parks, these natural and cultural resources must be preserved unimpaired for the enjoyment, education, and inspiration of this and future generations.

5. One commenter noted support for the provision in the ATMP and suggested that the NPS can establish temporary no-fly periods that apply to air tours for special events or planned Park management. The commenter requested that the same language pertaining to tribal ceremonies or events should be included in all ATMPs, and ATMPs should be expanded to include Tribal lands and sacred sites.
6. One commenter urged the inclusion of additional protections for Tribal cultural resources impacted by ATMPs, including the requirement of ongoing meaningful consultation with tribes whose lands and/or sacred sites fall within or near an ATMP, stating that it is critical that the NPS and the FAA strictly protect Tribal sacred sites.

NS100 Non-Substantive Comments: Support Air Tours

1. Several commenters supported air tours noting the NPS should take this opportunity to expand access to the immediate airspace above these parks by commercial air tours, including helicopters, and that there is a justifiable means to improve access to these aerial views that does not degrade these treasured landscapes. Commenters recommended that the NPS should improve access to the wilderness and natural experience of these parks by first and foremost encouraging airborne access. Several commenters noted that the Park has limited access to people not exceedingly fit and very experienced in backcountry access, and air tours provide a means of access.

NS150 Non-Substantive Comments: Other

1. Commenters asked for consideration of other ways to generate revenue in order to preserve silence.
2. Commenters suggested the NPS could create a movie that allows those that wish to appreciate the beauty, majesty, and quiet of the Park without the experience of hiking. Other commenters suggested guided horse/mule trips into the Park for those not able to walk distances.
3. Several commenters noted general support for an ATMP at the Park, but noted disappointment that the NPS has not fully or adequately approached this as an important park protection opportunity and mandate.
4. Several commenters voiced general opposition to air tours noting various reasons including noise and disturbance.
5. One commenter noted air tours would not impact historical sites.
6. One commenter noted noise and disturbance from other aircraft is greater than noise from air tours.

NS200 Non-Substantive Comments: Oppose Air Tours Continuing

1. Many commenters opposed the continuation of air tours, where the stated concerns included impacts to wildlife, ecosystem, hikers, and backpackers.
2. One commenter noted that the Park was intended to be a class one airspace, free of intrusion, when the Park become a world heritage site in 1983.

NS300 Non-Substantive Comments: Oppose Air Tours Introduction

1. Many commenters opposed the introduction of air tours, citing various reasons including the ongoing Navy Growlers, stating that such flights are at odds with experiencing the quiet and solitude of wilderness and wild places administered by the NPS.
2. One commenter noted that allowing one or two air tours over a park per year is neither a viable business opportunity, nor can it be reasonably shared or redistributed among new entrants. The commenter questioned that, with the recent history of very limited demand for air tours over these parks, why would NPS choose to allow any air tours moving forward.
3. One commenter noted that drones are banned in the Park because of the noise and disruption to wildlife, so questioned by air tourism would be acceptable. The commenter stated that aircraft noise travels farther than that of drones.