

Mount Rushmore National Memorial

September 2022
Newsletter

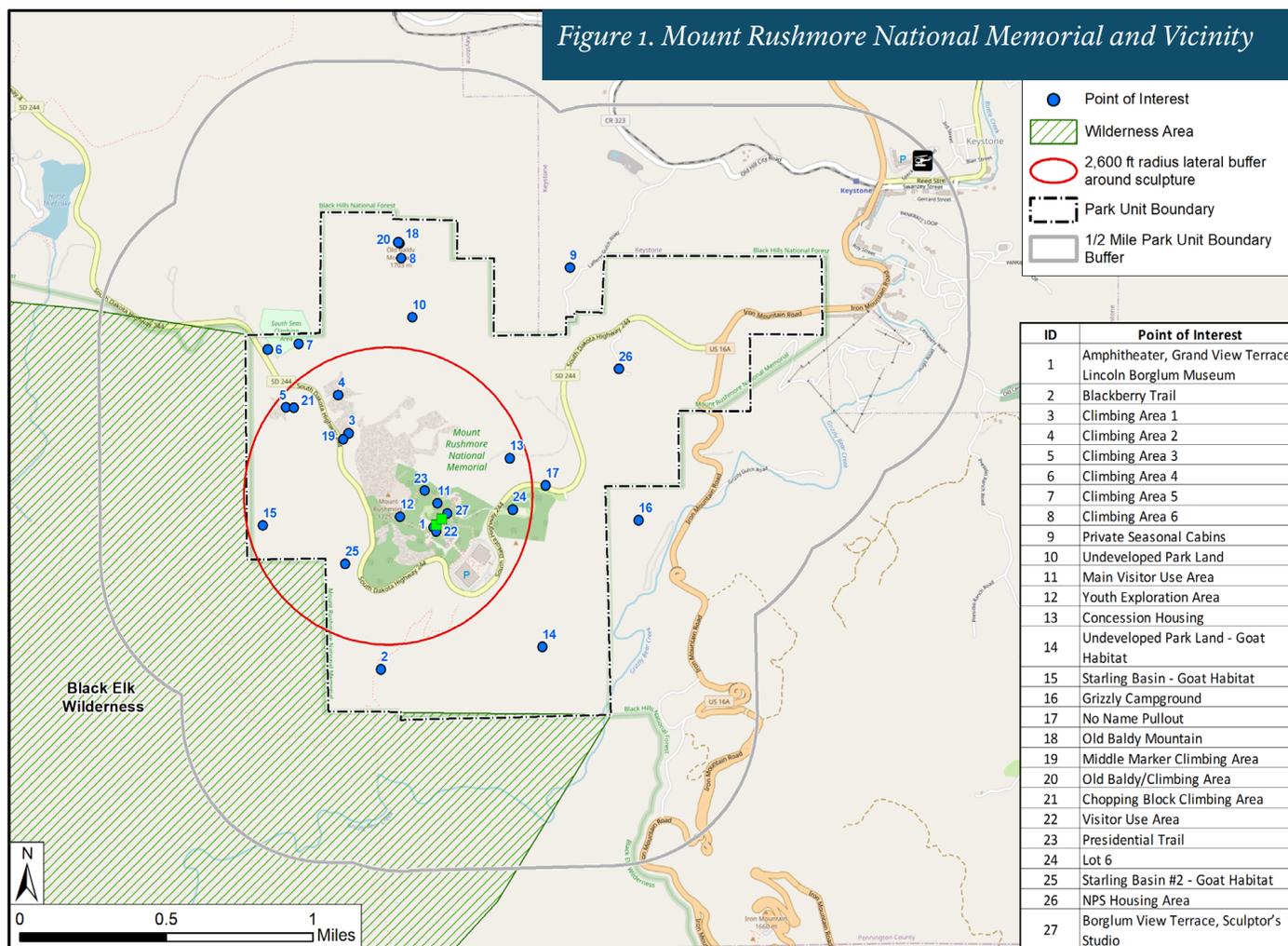
Air Tour Management Plan
Potential Alternatives for Public Comment

The Federal Aviation Administration (FAA) and the National Park Service (NPS) are working together to present potential alternatives for an air tour management plan for Mount Rushmore National Memorial (Park). Public and stakeholder feedback during this phase is critical. This document will explain:

- Commercial air tour operations
- Requirements for a plan for the Park
- Potential alternatives being considered for the plan
- How the public and stakeholders can provide feedback

Mount Rushmore National Memorial

The 1,278-acre Mount Rushmore National Memorial is located in the central Black Hills in southwestern South Dakota (see Figure 1). Most of the landscape is composed of massive granite outcrops intermingled with ponderosa pine forest. Mount Rushmore is seen as an icon of the United States of America and a special place for many people and cultures. Most people visit the Park to see the carved mountain sculpture of four U.S. presidents. The Black Hills are also an important historical, spiritual, and cultural site to many tribal



nations. The Park provides a setting where visitors can learn about history and culture and explore the natural setting.

Project Introduction

This document presents potential alternatives for the Mount Rushmore National Memorial Air Tour Management Plan (ATMP) Environmental Assessment (EA) for public and stakeholder input. As applied to the Park, the term commercial air tour operation is defined as any flight conducted for compensation or hire in a powered aircraft, where a purpose of the flight is sightseeing over the Park or outside the Park but within 1/2 mile of its boundary, during which the aircraft flies below 5,000 feet (ft.) above ground level (AGL). Altitude expressed in mean sea level (MSL) refers to the altitude of an aircraft above sea level, regardless of the terrain below it, whereas altitude expressed in AGL is a measurement of the distance between the ground surface and the aircraft.

Air tours have been occurring over the Park since before the year 2000.

The National Parks Air Tour Management Act (the Act) of 2000 requires the FAA, in cooperation with the NPS, to develop an ATMP or voluntary agreement for parks where operators have applied to conduct commercial air tours.

The objective of the ATMP, under the Act, is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts of commercial air tour operations on the natural and cultural resources, tribal sacred sites and ceremonial areas, wilderness character, and visitor experience.

As part of the public scoping process pursuant to the National Environmental Policy Act (NEPA),

the FAA and the NPS invite public input on potential alternatives. Public and stakeholder input will be used to further refine or dismiss alternatives and potentially to consider new alternatives. Public input will also be used to inform the environmental analysis. Alternatives that are carried forward and analyzed in the EA are expected to be available for public review and comment early next year.

Purpose and Need for the Project

Under NEPA, alternatives must meet the Purpose (i.e., objective) and Need for the project.

Purpose

To comply with the *National Parks Air Tour Management Act of 2000 (the Act)* and other applicable laws, consistent with the *Plan and Schedule for Completion of Air Tour Management Plans at Twenty-Three Parks* approved by the U.S. Court of Appeals for the District of Columbia Circuit on November 20, 2020, in Case No. 19-1044, *In Re Public Employees for Environmental Responsibility and Hawai'i Coalition Malama Pono*.

Need

The Act requires an ATMP or voluntary agreement for the Park. Air tours have the potential to impact natural and cultural resources, wilderness character, and visitor experience. The Act requires that the FAA and the NPS develop acceptable and effective measures to mitigate or prevent significant adverse impacts, if any, of commercial air tour operations on natural and cultural resources, wilderness character, visitor experience, and tribal lands. Cultural and ethnographic resources

that may be protected under an ATMP include traditional cultural properties, tribal sacred sites and ceremonial areas. In order to address impacts from commercial air tours the agencies have decided to prepare an ATMP for the Park.

Resources for Consideration in the EA

The agencies propose to analyze the potential impacts of each alternative on the following resources:

- Air quality
- Biological resources
- Climate (climate change and greenhouse gas emissions)

- Cultural resources (historic buildings, historic districts, archeological resources)
- Ethnographic resources (sacred sites, traditional cultural properties, cultural landscape, traditional uses)
- Department of Transportation Act, Section 4(f) properties
- Noise and compatible land use (acoustic environment and Park soundscape)
- Visitor experience
- Socioeconomics, Children’s Environmental Health and Safety Risk, and Environmental Justice
- Visual effects (visual resources and visual character)
- Wilderness



A Resident of Mount Rushmore National Memorial

Elements Common to All Alternatives for the Mount Rushmore National Memorial ATMP

All alternatives being considered for selection for the Mount Rushmore National Memorial ATMP will incorporate the following:

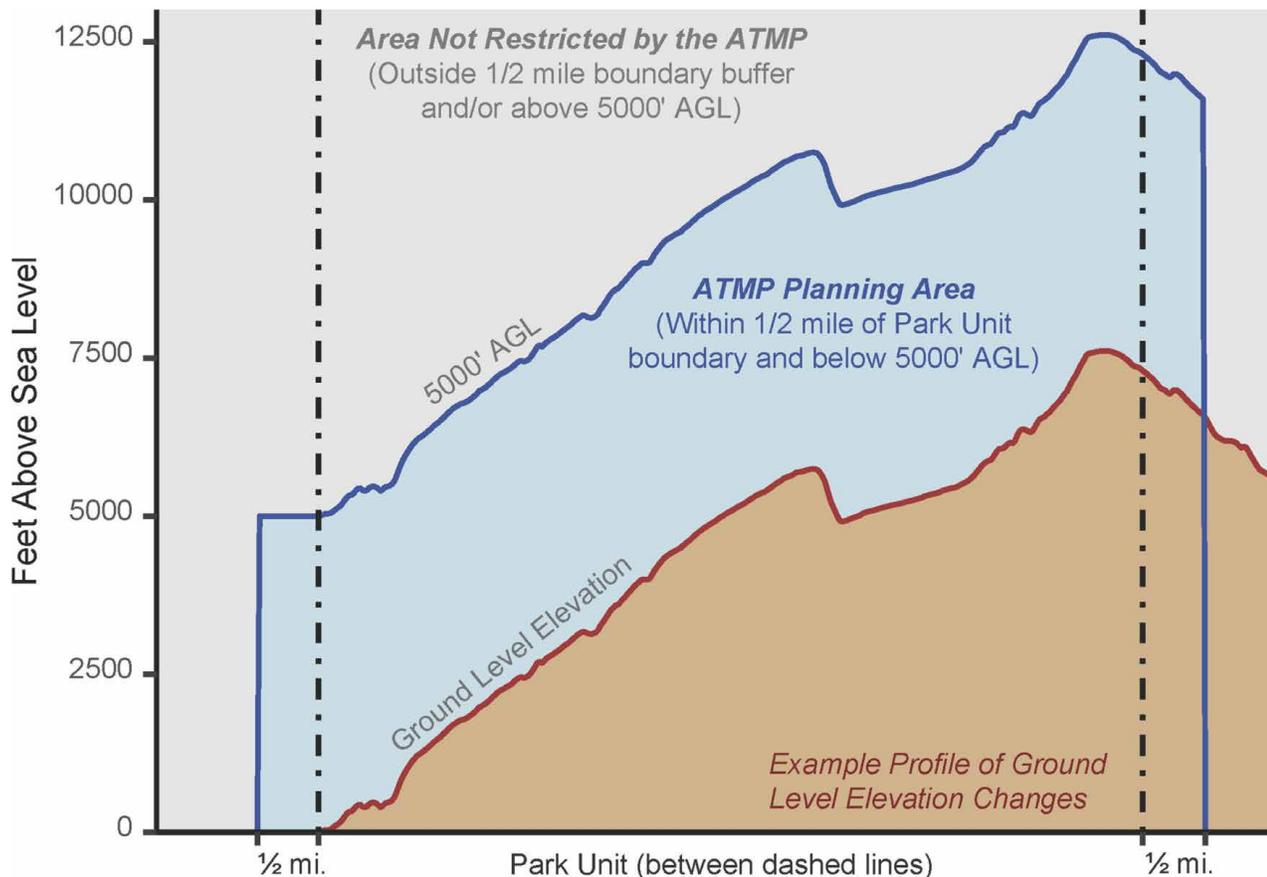
ATMP Planning Area

Under the Act and its implementing regulations, an ATMP regulates commercial air tours over a national park or outside that park but within 1/2 mile of its boundary during which the aircraft flies below 5,000 ft. AGL. This is referred to as the ATMP planning area.



Air tours outside of the ATMP planning area are not subject to the Act and are therefore not regulated under the ATMP. Thus, there would be no limitations on the annual number of air tours or routes that could occur outside the ATMP planning area under any alternative. Refer to the figure below for a geographic depiction of the ATMP planning area. In addition, although they may occur within the ATMP planning area, general aviation flights, overflights by commercial airlines, and military flights would not be regulated by the ATMP because they are not commercial air tours subject to regulation under the Act.

Geographic Areas Covered by the ATMP



Interim Operating Authority

Commercial air tours over the Park are currently conducted under interim operating authority (IOA) that the Act required the FAA to grant air tour operators. Interim operating authority does not provide any operating parameters (routes, altitudes, etc.) for commercial air tours other than an annual limit. Under the Act, IOA for a park terminates after an ATMP is established for that park.



Flight routes within the ATMP planning area are represented by a line. The flight lines will be used for noise modeling purposes in the impact analysis.

FAA Airspace Authority

The FAA has authority for all airspace matters, including any enforcement actions for violations under the ATMP, which the agency would process in accordance with existing FAA procedures and regulations.



Monitoring and Enforcement

All air tour operators are required to report the number of commercial air tour operations they have conducted within the ATMP planning area to the FAA and the NPS.



The operators must provide the date and time each tour occurred, the make/model of aircraft used, and the route on which the tour was conducted.

Fee Collection

The NPS is authorized by the Omnibus Budget Reconciliation Act of 1993 (54 U.S.C. § 100904) to collect commercial tour use fees for all aircraft conducting tours in the airspace over certain parks. The Park does not currently collect fees from air tour operators and does not propose to begin fee collection from air tour operators at this time.



Minimum Altitudes

The range of altitudes examined in the alternatives will be from 900 ft. AGL for helicopters to 1,400 ft. AGL for fixed-wing aircraft.



Potential Alternatives

The agencies have considered a range of reasonable alternatives that are technically and economically feasible, meet the purpose and need for the project, and the goals of the agencies. The alternatives are discussed in detail below and summarized in Table 6.

Flight Routes

The maps included in the potential alternatives show flight routes where air tours could occur within the ATMP planning area.



Alternatives Considered and Dismissed

The agencies considered but dismissed alternatives that would allow air tour operations at or above existing numbers.

Existing air tour reporting figures are displayed in Table 1 below. These alternatives were dismissed from further consideration because the NPS determined they would result in unacceptable impacts to the Park's natural and cultural resources, and visitor enjoyment under the NPS 2006 Management Policies 1.4.7.1, and do not meet the purpose and need for the plan.

The Park's purpose is "to commemorate the founding, expansion, preservation, and unification of the United States by preserving, protecting, and interpreting the mountain sculpture in its historic, cultural and natural setting while providing for the education, enjoyment, and inspiration of the public" (see Foundation Document). The NPS determined that the noise from the current level of air tours is inconsistent with the Park's purpose and values. Frequent and loud noise interruptions from air tours impact sacred sites and ceremonial uses associated with Tribal Nations, impact public enjoyment and interpretive programming, and degrade the Park's cultural and natural setting.

The NPS is required to avoid impacts to sacred sites to the extent possible (NPS 2006 Management Policies 5.3.5.3.2). Tribes and individual tribal members have consistently

noted that persistent air tours over the Park unreasonably interfere with their connections to the sacred landscape of the Black Hills.

Existing air tour operations also repeatedly interrupt and unreasonably interfere with interpretive programs and visitor activities at many sites, including the Park amphitheater, Presidential Trail, Youth Exploration Area, and Mount Baldy.

The current level of air tours diminishes visitor opportunities to learn about and be inspired by the Park's resources and values, and unreasonably interferes with the atmosphere of peace and tranquility in the Park as well as natural soundscapes in adjacent wilderness managed by the Black Hills National Forest.

Therefore, authorizing commercial air tours at or above the existing level of operations would not meet the objective of an ATMP under the Act. The NPS has determined that the current level of air tours cannot be mitigated to avoid or prevent unacceptable impacts and therefore any alternative that would maintain the current number of air tours over the Park does not meet the purpose and need for the plan. For all of these reasons, the agencies have considered but dismissed alternatives that would continue air tours at or above existing levels.



The Memorial's Geologic Features and Flora

Alternative 1 — No Action/No ATMP

Objective

A no action alternative is required by the Council on Environmental Quality and NEPA regulations.

The no action alternative provides a basis for comparison but is not a selectable alternative because it does not meet the purpose and need for the ATMP and is not in compliance with the Act. The agencies have decided to comply with the Act by developing an ATMP for the Park.

Description

The no action alternative is what happens if the agencies do not adopt an ATMP. The no action alternative would allow a continuation of air tours under IOA without implementation of an ATMP or voluntary agreement. Air tour numbers from 2017 to 2019 are listed on the following page.

Under the no action alternative operators could fly up to their IOA, 5,608 air tours per year. IOA includes only an annual cap on the number of commercial air tours that may be conducted by an operator but does not represent the actual number of air tours conducted and does not designate the route(s), time-of-day, altitude(s), or other conditions for such tours.

Number of Flights Each Year

Alternative 1 represents a continuation of air tours that are currently flown and allowed under existing law, including each company's IOA as granted by the FAA (70 Fed. Reg. 36,456 (June 23, 2005)) and applicable regulations that govern aviation safety (14 CFR Part 136).

Two commercial air tour operators currently hold IOA to fly up to a combined total of 5,608 annual commercial air tours over the Park and within ½ mile of the Park (see Table 1).

Since reporting began in 2013, the total number of commercial air tours reported over the Park each year has ranged from 3,648 (reported in 2014) to 4,363 (reported in 2015). The operators may not exceed their respective IOA limitation in any given year. Under the no action alternative, air tours numbers would be expected to vary from year to year, likely consistent with reported numbers over the past three to five years.

The average annual number of commercial air tours conducted over the Park from 2017-2019 for all operators is 3,914. 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.

Alternative 1 — No Action/No ATMP

Routes and Altitudes

There are no designated flight routes or no-fly zones under the no action alternative. The map below (Figure 2) depicts general route information provided by current commercial air tour operators, but operators could change routes without notice. Actual commercial air tour operations are dispersed around the generalized routes provided by operators depicted on the map. Reported minimum altitudes range from 6,000 ft. mean sea level (MSL) (900 ft. AGL) to 6,500 ft. MSL, depending on operator.

Operators, Aircraft Types, Interim Operating Authority

The two commercial operators that hold IOA for the Park reported flying commercial air tours over the Park between 2013 and 2019. Dakota Rotors LLC (Black Hills Aerial Adventures, Inc.,

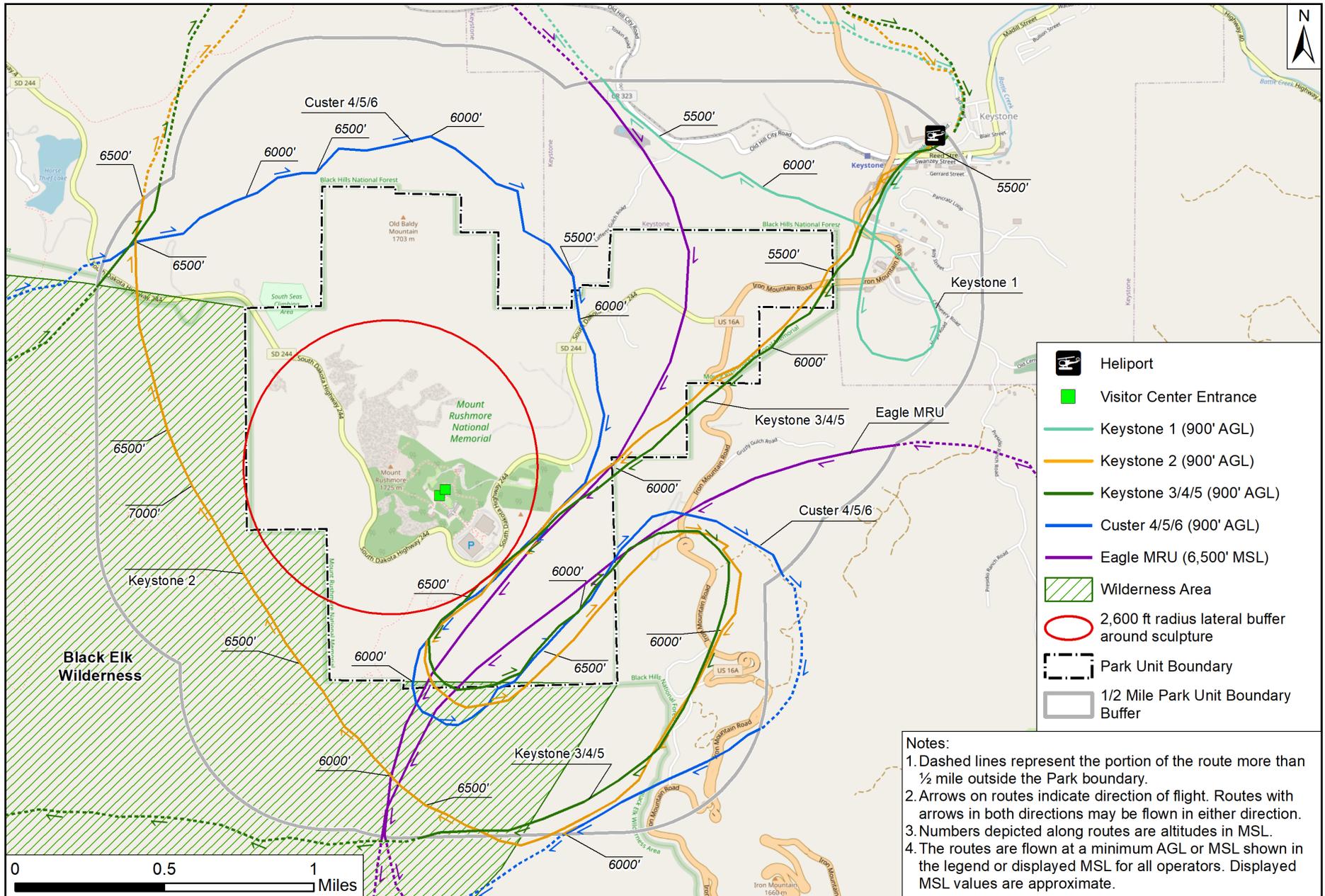
and Rushmore Helicopters) flies helicopters, and Eagle Aviation, Inc. flies fixed-wing aircraft. Dakota Rotors flies four routes that originate from two helipads outside the northeast corner of the Park and near Custer, SD. All four routes condense approximately 2,600 ft. to the southeast of the sculpture for a direct view, then begin a tight S-turn before exiting the planning area.

Eagle Aviation flies one route from north to south, across the eastern side of the Park. This fixed-wing route, similarly, flies at approximately 2,600 ft. to the southeast of the sculpture for a direct view, but flies 500 ft. higher than the helicopters. Rather than an S-turn, the fixed-wing aircraft performs a large loop, exiting the planning area, re-entering the planning area, and then exiting again. Table 1 below summarizes each operator’s aircraft type, IOA for the Park, and average number of reported air tours over the Park from 2017-2019:

Table 1. Existing air tour operators and reported air tours.

Operator	Aircraft Type	2017 Reported Tours	2018 Reported Tours	2019 Reported Tours	3-year Reported Average No. of Air Tours (2017-2019)	Interim Operating Authority (IOA)
Dakota Rotors LLC (Black Hills Aerial Adventures, Inc., and Rushmore Helicopters)	BHT-206B, BHT-47-G3B1, R-44-II, R-66-66 (helicopters)	3,730	3,782	4,202	3,905	5,563
Eagle Aviation, Inc.	Cessna 172, Cessna 206 (fixed-wing)	19	6	2	9	45
		3,749	3,788	4,204	3,914	5,608

Figure 2. Alternative 1 — No Action/No ATMP



Alternative 2 — No Air Tours in the Planning Area

Objective

Alternative 2 — No Air Tours in the Planning Area would provide the greatest protection of the Park’s natural and cultural resources and visitor experience management objectives.

The Park holds and protects numerous resources and values including: sites of spiritual and cultural significance to numerous Tribal Nations and their traditional cultural practices; the sculpture as a physical and cultural resource; threatened and endangered species and other wildlife sensitive to noise; visitor opportunities for enjoyment and solitude; ground-based visitor experiences; scenic qualities, and natural sounds.

This alternative supports the following Park management objectives:

- The Park’s acoustic environment supports an outstanding visitor experience and opportunities to hear and enjoy natural sounds.
- Park staff are able to conduct, and visitors are able to experience, interpretive programming with minimal interference due to noise.
- Natural sounds are protected to conserve healthy and robust wildlife populations; biological and ecological processes prevail.
- Traditional and cultural resources are preserved to facilitate ongoing connection with and use of these resources by associated Tribal Nations and traditionally associated communities.

The ATMP also seeks to:

- Ensure the acoustic resources of the Black Elk Wilderness Area inside the planning area are maintained to preserve wilderness character: opportunities for solitude or primitive and unconfined recreation, including remoteness from sights and sounds; untrammelled or wildness; naturalness; undeveloped; and other features or values.

Description

Alternative 2 would prohibit air tours within the ATMP planning area, except for the purpose of takeoff and landing at helipads located outside the Park but within ½-mile of the boundary. The Park itself would be designated as an area to remain free of commercial air tours under 5,000 ft. AGL. Air tours outside of the ATMP planning area (i.e., above 5,000 ft. AGL or more than ½-mile outside the Park boundary) are not subject to the Act and are therefore not regulated under the ATMP. Thus, there would be no limitations on the number of air tours that could occur outside the ATMP planning area.

Routes and Altitudes

The figure for this alternative (Figure 3) depicts a prohibition on all air tours within the ATMP planning area. Air tours could be conducted only outside the ATMP planning area. The routes and altitudes of those air tours would not be set by the ATMP. The actual flight path of air tours

Alternative 2 — No Air Tours in the Planning Area

outside the ATMP planning area would vary due to operator preference and weather conditions at the time of the air tour. Based on current air tour activity, numbers of flights outside the planning area would be expected to be similar to existing conditions. This alternative could result in some current air tour operators shifting routes to other areas outside the Park that may also be significant to the Tribes or other stakeholders.¹

Amendment

The ATMP may be amended at any time if the NPS, by notification to the FAA, determines that the ATMP is not adequately protecting Park resources and/or visitor enjoyment; or if the FAA, by notification to the NPS, determines that the ATMP is adversely affecting aviation safety and/or the national aviation system; or, if the agencies determine that appropriate changes to the ATMP are necessary to address new information or changed circumstances.

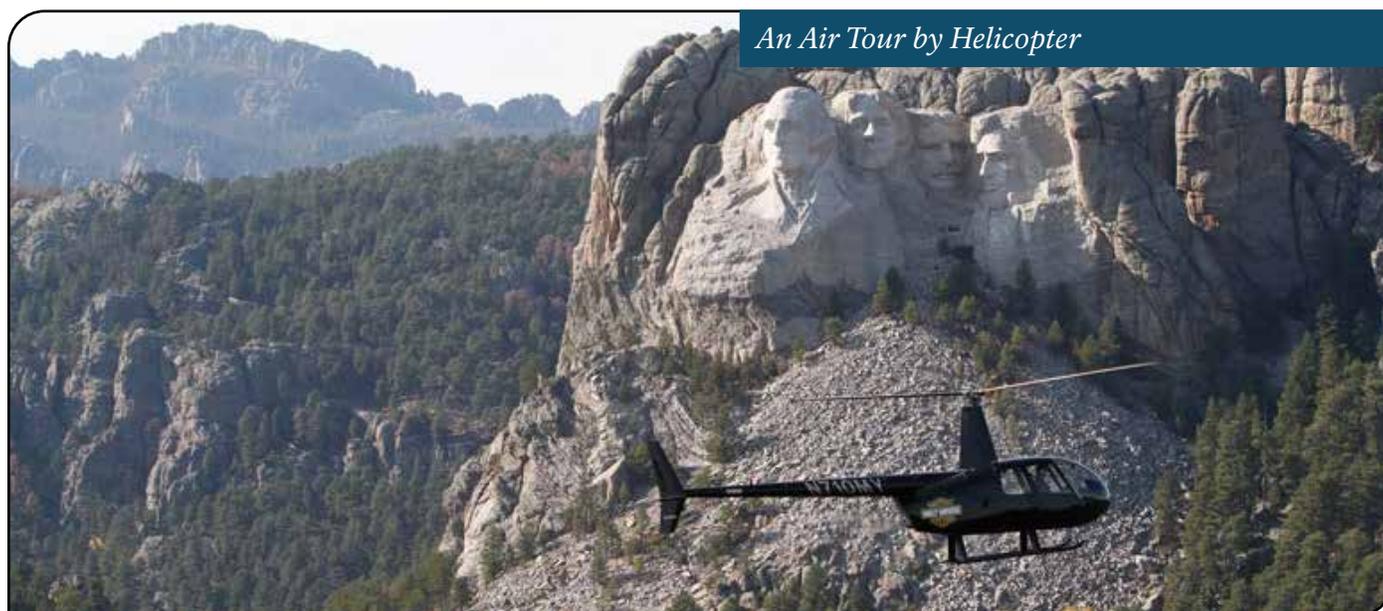
¹ During consultation, a number of Tribes stated that they consider the Badlands and Black Hills a traditional cultural landscape; a large scale area containing many linked features that have religious and cultural significance.

Monitoring and Enforcement

Aircraft monitoring and enforcement would occur to ensure that commercial air tour operators are complying with the terms and conditions of the ATMP. 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 local FSDO. The FSDO will investigate all substantiated reports of noncompliance. The public may also report allegations of non-compliance with the ATMP to the FSDO, which may result in an FAA investigation.

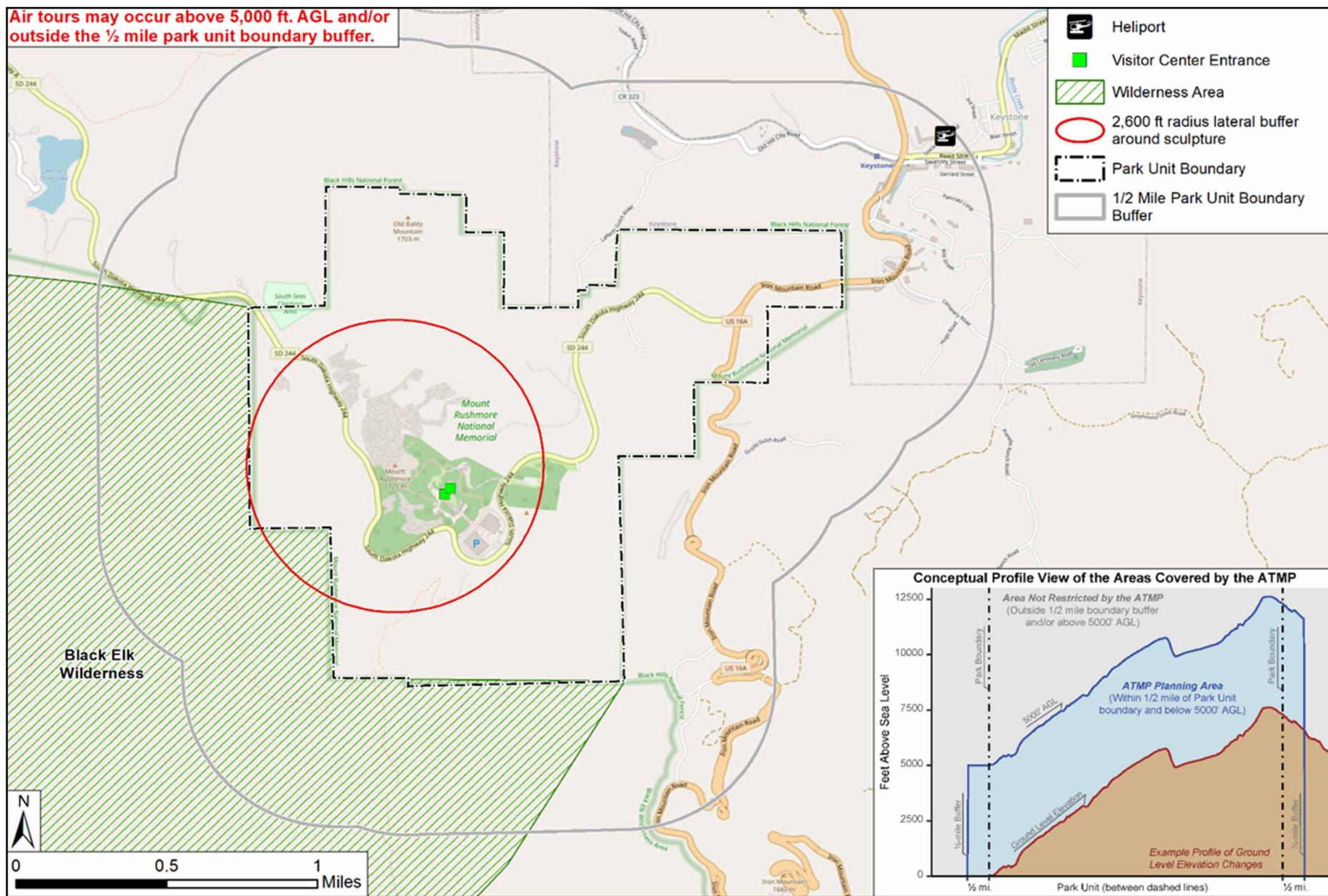
IOA

The establishment of the ATMP will result in the termination of all IOA for the Park. Air tour operators' operation specifications (OpSpecs) will be updated accordingly. OpSpecs are a set of rules that an operator must follow.



An Air Tour by Helicopter

Figure 3. Alternative 2 — No Air Tours in the Planning Area



Alternative 3 — Daily Cap of 25 Air Tours with Additional Modifications

Objective

The NPS developed Alternative 3 to provide opportunities for air tours to occur over the Park, with mitigations to avoid or minimize impacts to natural and cultural resources and visitor experience.

Similar to Alternative 2 – No Air Tours in the Planning Area, the Park’s management objectives would also apply. The FAA reviewed the alternative to ensure it would not adversely affect aviation safety.

Description

Commercial air tour operations within the ATMP planning area would be subject to a daily cap of 25 flights per day and annual cap of 3,657 flights per year. Five routes would be included in this alternative, with minimum altitudes ranging from 6,000 ft. MSL (900 ft. AGL) to 6,500 ft. MSL (1,400 ft. AGL), depending on the selected route (see Figure 4).

Caps on Numbers of Flights Allowed Annually and Daily

The total number of air tours would be limited to 3,657 flights annually. The daily number of air tours would be limited to 25 flights per day. Each operator would be subject to annual and daily flight limits (see Table 2).

Routes and Altitudes

Alternative 3 includes four routes for the helicopter operator and one route for the fixed-wing operator, all with varying altitudes and flight patterns across the ATMP planning area (see Table 3). No air tours could occur below 5,000 ft. AGL within the ATMP planning area except those conducted on the authorized routes.

Time of Day, Day of Week, and Seasonal Restrictions

Commercial air tours would be permitted to operate one hour after sunrise until one hour before sunset, as defined by the National Oceanic and Atmospheric Administration (NOAA), except for the quiet technology incentive below. Sunrise and sunset data are available from the NOAA Solar Calculator. Air tours would be permitted to occur between May 1 through September 30, for 152 total days each year. Air tours could occur any day of the week.

Additionally, to reduce the potential for disruptions to tribal ceremonies there would be designated days when no air tours would be permitted within the ATMP planning area. These days would be selected collaboratively through consultation with associated Tribal Nations. Advance notice from tribes would be required and a limit would be established for the number of days per year tribes could request.

Restrictions for Particular Events

In addition to the seasonal restrictions and no air tour days described above, the NPS can establish temporary no-fly periods in one-hour increments that apply to air tours for special events or planned Park management. Absent exigent circumstances or emergency operations, the NPS will provide a minimum of 30 days notice to the operators in writing in advance of the no-fly period. Events may include naturalization ceremonies, wildlife surveys, tribal ceremonies, or other similar events.

Monitoring and Enforcement

All air tour operators are required to report to the FAA and the NPS, on a semi-annual basis, the number of commercial air tour operations they have conducted within the ATMP planning area. In addition to these reports, operators will also include flight monitoring data and such other information as the FAA and the NPS may request.

Aircraft monitoring and enforcement would occur to ensure that commercial air tour operators are complying with the terms and conditions of the ATMP. 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 local FSDO. The FSDO will investigate all substantiated reports of noncompliance. The public may also report allegations of non-compliance with the ATMP to the FSDO, which may result in an FAA investigation.

Quiet Technology Incentives

The Act requires that the ATMP include incentives for the adoption of quiet technology by commercial air tour operators. The ATMP for this alternative would incentivize the use of quiet technology aircraft by commercial air tour operators. Operators that have converted to quiet technology aircraft, may request to be allowed to conduct air tours beginning at sunrise or ending at 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.

Operator Training and Education

When made available by Park staff, operators/pilots would be required to take at least one training course per year conducted by NPS staff. The training would include Park information that operators can use to further their own understanding of Park priorities and management objectives as well as enhance the interpretive narrative and increase understanding of the Park by air tour clients.

Adaptive Management

Adaptive management allows for minor modifications to the 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 or changed circumstances.

Annual Meeting

At the request of either of the agencies, the Park staff, the local FAA FSDO, and all operators would be required to 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.

The annual meeting will facilitate effective implementation of the ATMP because it would be used to review and discuss implementation of the ATMP between Park staff, local FAA FSDO, and all operators. It will thus serve to ensure that air tour operators remain informed regarding the terms and conditions of the ATMP, including any adaptive management measures or amendments, and are made aware of new or reoccurring concerns regarding Park resources.

Competitive Bidding

The Act states whenever an ATMP limits the number of commercial air tour operations during a specified time frame, a competitive bidding process must occur pursuant to the criteria set forth in 49 U.S.C. § 40128(a)(2)(B) and other criteria developed by the agencies. Since the number of flights would be limited for this alternatives, competitive bidding would be conducted, if appropriate.

In the time period between the finalization of an ATMP and the completion of a competitive bidding process, commercial air tour operators would be allocated a certain number of commercial air tours over the Park, referred to as the initial allocation.

Competitive bidding may also 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 Act directs the agencies to consider various factors during the competitive bidding process including known resource issues, reporting, and compliance concerns.

Operators, Initial Allocation of Air Tours, Aircraft Types, and Interim Operating Authority

Upon finalization of the ATMP, the number of flights authorized to occur each year would be proportionally allocated to each of the two operators that have reported operations over the Park in the period from 2017-2019 (Table 2). Each operator's aircraft types would reflect those reported in the period from 2017-2019. The initial allocation would be used until a competitive bidding process could occur, if necessary. The establishment of the ATMP will result in the termination of all IOA for the Park.

Alternative 3 — Daily Cap of 25 Air Tours with Additional Modifications

New Entrant

For the purposes of the ATMP, a “new entrant” is a commercial air tour operator that has not been granted any operations under the ATMP or that no longer holds operations under the 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 the 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 the 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 the ATMP.

If any new entrant is granted operating authority under the ATMP, the FAA will issue OpSpecs (and, if necessary, will revise OpSpecs of operators whose allocation of operating authority changes 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.

Amendment

The 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 the 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 the 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 the 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 the 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 the ATMP will be published in the Federal Register for notice and comment.

Alternative 3 — Daily Cap of 25 Air Tours with Additional Modifications

Table 2. Alternative 3 operators and annual cap, daily cap, and number of routes

Operator	Aircraft Type	3-year Reported Average No. of Air Tours (2017-2019)	Alternative 3 Annual Allocations	Daily Cap	Number of Routes
Dakota Rotors LLC (Black Hills Aerial Adventures, Inc., and Rushmore Helicopters)	BHT-206B, BHT-47-G3B1, R-44-II, R-66-66 (helicopter)	3,905	3,648	24	4
Eagle Aviation, Inc.	Cessna 172, Cessna 206 (fixed-wing)	9	9	1	1
		3,914	3,657	25	5

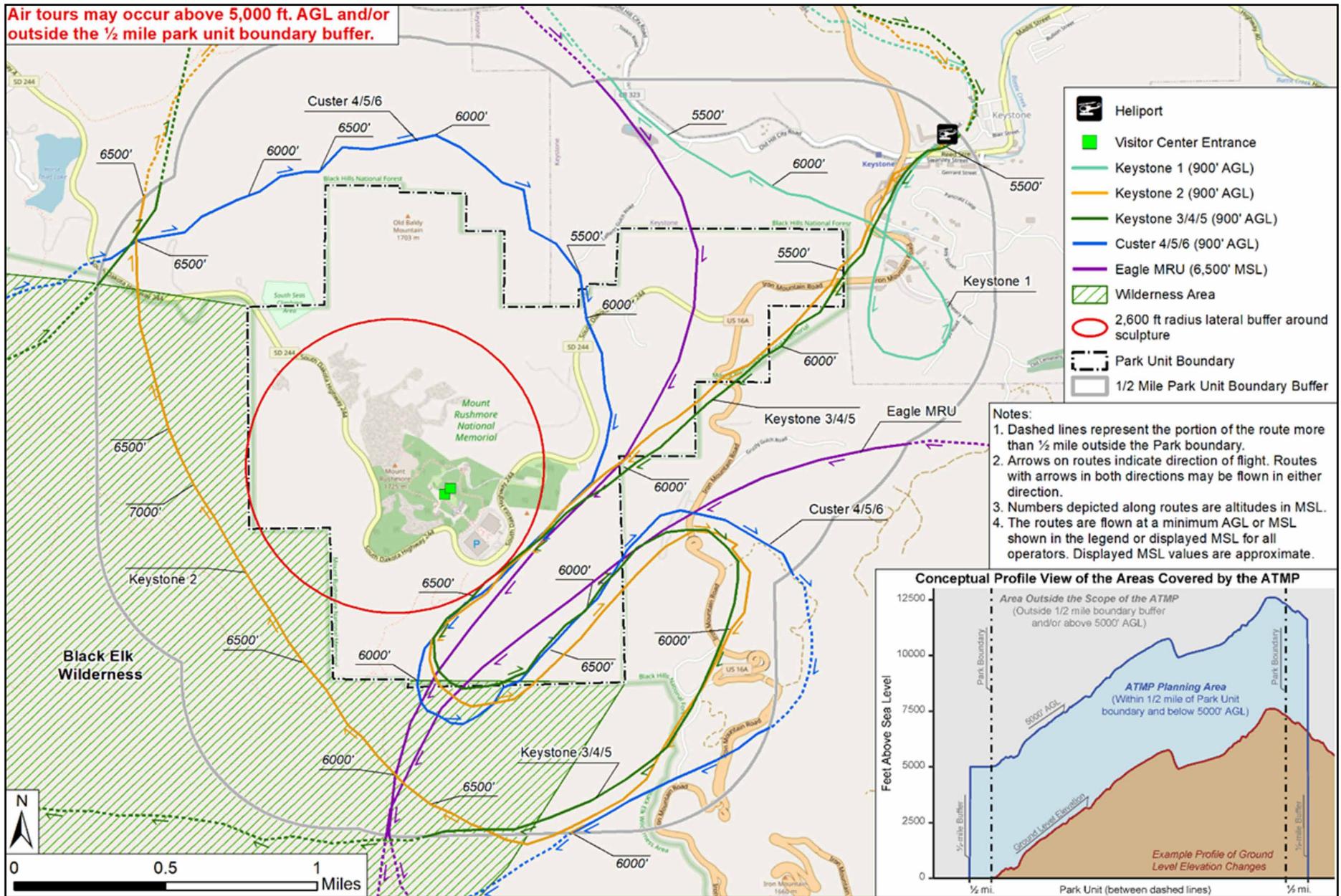
Table 3. Alternative 3 operator routes, altitude, and aircraft type conditions

Route Name	Altitude	Aircraft Type	Operator
Dakota Rotors - Keystone 1	N/A	Helicopter	Dakota Rotors
Dakota Rotors - Keystone 2	900 ft. AGL (6,000 ft. MSL)	Helicopter	Dakota Rotors
Dakota Rotors - Keystone 3/4/5	900 ft. AGL (6,000 ft. MSL)	Helicopter	Dakota Rotors
Dakota Rotors - Custer 4/5/6	900 ft. AGL (6,000 ft. MSL)	Helicopter	Dakota Rotors
Eagle Aviation Route	1,400 ft. AGL (6,500 ft. MSL)	Fixed-wing	Eagle Aviation



The Mount Rushmore National Memorial at Night

Figure 4. Alternative 3 — Daily Cap of 25 Air Tours with Additional Modifications



Alternative 4 - Daily Cap of 13 Air Tours with Additional Modifications

Objective

The NPS developed Alternative 4 to provide opportunities for air tours to occur over the Park, with mitigations to avoid or minimize impacts to natural and cultural resources and visitor experience (see Figure 5).

Similar to Alternative 3 – Daily Cap of 25 Air Tours with Additional Modifications, the Park’s management objectives would also apply. The FAA reviewed the alternative to ensure it does not adversely affect aviation safety.

Description

Commercial air tour operations within the ATMP planning area would be subject to a daily cap of 13 air tours per day and an annual cap of 1,833 flights per year across all operators. Five routes would be included in this alternative, with minimum altitudes ranging from 900 ft. AGL (6,000 ft. MSL) to 1,400 AGL (6,500 MSL), depending on the selected route.

Caps on Numbers of Flights Allowed Annually and Daily

The total number of air tours would be limited to 1,833 flights annually. The daily number of air tours would be limited to 13 tours per day. Each operator would be subject to annual and daily flight limits (see Table 4).

Conditions that are the Same as Alternative 3:

- Routes and Altitudes (see Table 5)
- Time of Day, Day of Week, and Seasonal Restrictions
- Quiet Technology (QT) Incentives
- Restrictions for Particular Events
- Adaptive Management
- Operator Training and Education
- Annual Meeting
- Competitive Bidding
- Operators, Initial Allocation of Air Tours, Aircraft Types, and Interim Operating Authority
- New Entrant
- Monitoring and Enforcement
- Amendment

Alternative 4 — Daily Cap of 13 Air Tours with Additional Modifications

Table 4. Alternative 4 operators and annual cap, daily cap, and number of routes

Operator	Aircraft Type	3-year Reported Average No. of Air Tours (2017-2019)	Alternative 4 Annual Allocations	Daily Cap	Number of Routes
Dakota Rotors LLC (Black Hills Aerial Adventures, Inc., and Rushmore Helicopters)	BHT-206B, BHT-47-G3B1, R-44-II, R-66- 66 (helicopter)	3,905	1,824	12	4
Eagle Aviation, Inc.	Cessna 172, Cessna 206 (fixed-wing)	9	9	1	1
		4,914	1,833	13	5

Table 5. Alternative 4 operator routes, altitude, and aircraft type conditions

Route Name	Altitude	Aircraft Type	Operator
Dakota Rotors - Keystone 1	N/A	Helicopter	Dakota Rotors
Dakota Rotors - Keystone 2	900 ft. AGL (6,000 ft. MSL)	Helicopter	Dakota Rotors
Dakota Rotors - Keystone 3/4/5	900 ft. AGL (6,000 ft. MSL)	Helicopter	Dakota Rotors
Dakota Rotors - Custer 4/5/6	900 ft. AGL (6,000 ft. MSL)	Helicopter	Dakota Rotors
Eagle Aviation Route	1,400 ft. AGL (6,500 ft. MSL)	Fixed-wing	Eagle Aviation

Figure 5. Alternative 4 - Daily Cap of 13 Air Tours with Additional Modifications

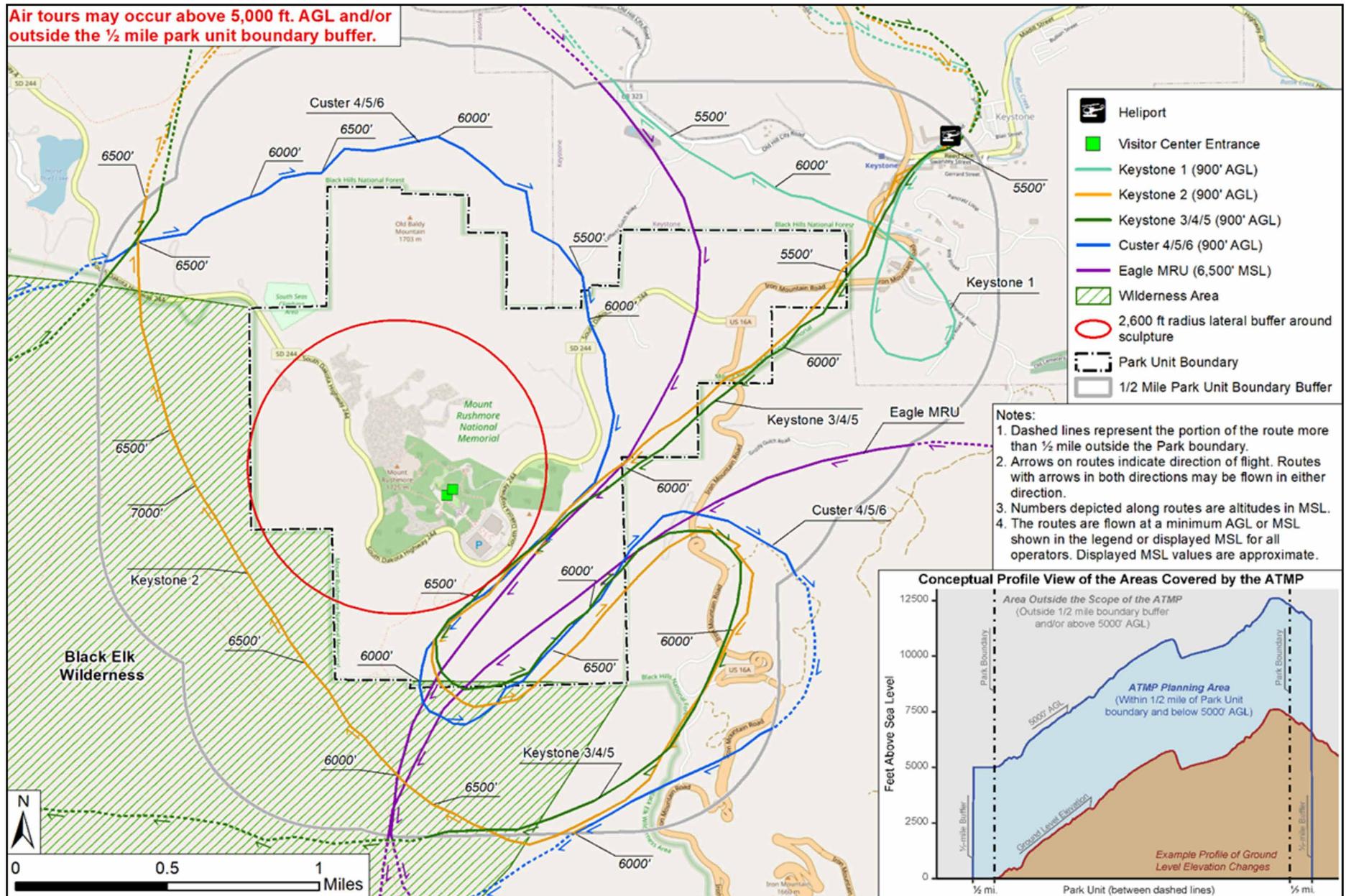


Table 6. Summary of Alternative Elements

Alternative Attributes	Alternative 1 — No Action/ No ATMP	Alternative 2— No Air Tours in the Planning Area	Alternative 3 — Daily Cap of 25 Air Tours with Additional Modifications	Alternative 4 — Daily Cap of 13 Air Tours with Additional Modifications
General Description and Objectives	Allows a continuation of air tours under IOA without implementation of an ATMP or voluntary agreement. Does not comply with the Act.	Prohibits air tours within the ATMP planning area to maximize resource protection and visitor experience. Air tours could still continue to fly outside the ATMP planning area (i.e., above 5,000 ft. AGL or more than ½-mile outside of the Park’s boundary).	Restricts air tour operations within the ATMP planning area. Primarily, the conditions in this alternative include annual and daily caps, designated routes, required minimal altitudes, and no-fly periods for tribal ceremonies or special events.	Restricts and reduces air tour operations within the ATMP planning area. Primarily, the conditions in this alternative include annual and daily caps, designated routes, required minimal altitudes, and no-fly periods for tribal ceremonies or special events.
Annual/Daily Number of Flights	Leaves IOA in place, allowing the potential for up to 5,608 commercial air tours each year. Actual number of tours has historically ranged from 3,648 to 4,363 flights per year, or an average of 3,914 flights (based on 2017-2019 reporting).	None in ATMP planning area.	The annual number of flights would be limited to 3,657 total flights per year across both operators. The daily number of flights may not exceed 25 tours per day across all operators. There would be annual and daily limitations for each operator.	The annual number of flights would be limited to 1,833 total flights per year across both operators. The daily number of flights may not exceed 13 tours per day across all operators. There would be annual and daily limitations for each operator.
Routes	No mandatory routes or no-fly zones. See map for depiction of reported routes and actual operations, though operators may change routes or altitude without notice.	None in ATMP planning area.	Four routes for the helicopter operator and one route for the fixed-wing operator all with varying distances and altitudes.	Same as Alternative 3.
Minimum Altitudes	No mandatory minimum altitudes. See map for depiction of reported operations, though operators may change altitude without notice.	No minimum altitude would be set. However, flights over the Park that are above 5,000 ft. AGL could occur as they are outside the ATMP planning area. Flights more than ½-mile outside the Park boundary are similarly outside the ATMP planning area and could occur.	Minimum altitudes ranging from 900 ft. AGL to 1,400 ft. AGL, depending on the selected route.	Same as Alternative 3.

Continuation of Table 6. Summary of Alternative Elements

Alternative Attributes	Alternative 1 — No Action	Alternative 2— No Air Tours in the Planning Area	Alternative 3 — Daily Cap of 25 Air Tours with Additional Modifications	Alternative 4 — Daily Cap of 13 Air Tours with Additional Modifications
Time of Day	No Restrictions.	N/A	One hour after sunrise until one hour before sunset for non-QT flights. Sunrise to sunset for QT flights.	Same as Alternative 3.
Seasonal Restrictions	No Restrictions.	N/A	Air tours would be permitted to occur from May 1 through September 30, for 152 total days each year.	Same as Alternative 3.
Day of Week	No Restrictions.	N/A	Air tours may fly any day of the week from May 1 to September 30.	Same as Alternative 3.
Quiet Technology (QT) Incentives	None.	N/A	Air tours operators are incentivized to adopt QT by being extended the opportunity to fly sunrise through sunset for QT flights.	Same as Alternative 3.
Operator Training and Education	None.	N/A	Mandatory if requested and/ or made available by the NPS.	Same as Alternative 3.
Annual Meeting	None.	N/A	Mandatory if requested and/ or made available by the FAA or the NPS.	Same as Alternative 3.
Restrictions for Particular Events	None.	N/A	In addition to seasonal restrictions, the NPS can establish temporary no-fly periods and must provide 30 days notice to operators of the no-fly periods. Events may include tribal ceremonies or other similar events.	Same as Alternative 3.

Continuation of Table 6. Summary of Alternative Elements

Alternative Attributes	Alternative 1 — No Action	Alternative 2— No Air Tours in the Planning Area	Alternative 3 — Daily Cap of 25 Air Tours with Additional Modifications	Alternative 4 — Daily Cap of 13 Air Tours with Additional Modifications
Adaptive Management	None.	N/A	Adaptive management actions may be taken as long as their impacts are within the impacts already analyzed by the agencies.	Same as Alternative 3.
Operators, Initial Allocation of Air Tours, Aircraft Types, and Interim Operating Authority	Two operators hold for IOA of 4,117 air tours each year.	The establishment of the ATMP will result in the termination of all IOA for the Park.	<p>Dakota Rotors: 3,648 flights annually; BHT-206B, BHT-47-G3B1, R-44-II, R-66- 66</p> <p>Eagle Aviation: nine flights annually; Cessna 172, Cessna 206</p> <p>Competitive bidding could occur and change air tour allocations.</p> <p>The establishment of the ATMP will result in the termination of all IOA for the Park.</p>	<p>Dakota Rotors: 1,824 flights annually; BHT-206B, BHT-47-G3B1, R-44-II, R-66- 66</p> <p>Eagle Aviation: nine flights annually; Cessna 172, Cessna 206</p> <p>Competitive bidding could occur and change air tour allocations.</p> <p>The establishment of the ATMP will result in the termination of all IOA for the Park.</p>
Amendments	None.	The ATMP may be amended at any time if the NPS, by notification to the FAA, determines that the ATMP is not adequately protecting Park resources and/or visitor enjoyment; or if the FAA, by notification to the NPS, determines that the ATMP is adversely affecting aviation safety and/or the national aviation system; or, if the agencies determine that appropriate changes to the ATMP are necessary to address new information or changed circumstances.	The 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 the ATMP are necessary to address new information or changed circumstances that cannot be addressed through adaptive management.	Same as Alternative 3.

Glossary

The Act	National Parks Air Tour Management Act of 2000
AGL	Above Ground Level
ATMP	Air Tour Management Plan
EA	Environmental Assessment
FAA	Federal Aviation Administration
FSDO	Flight Standards District Office
IOA	Interim Operating Authority
MSL	Mean Sea Level
NEPA	National Environmental Policy Act
NPS	National Park Service
OpSpecs	Operational Specifications
Park	Mount Rushmore National Memorial
PEPC	Planning, Environment & Public Comment System
QT	Quiet Technology



Red-tailed Hawk

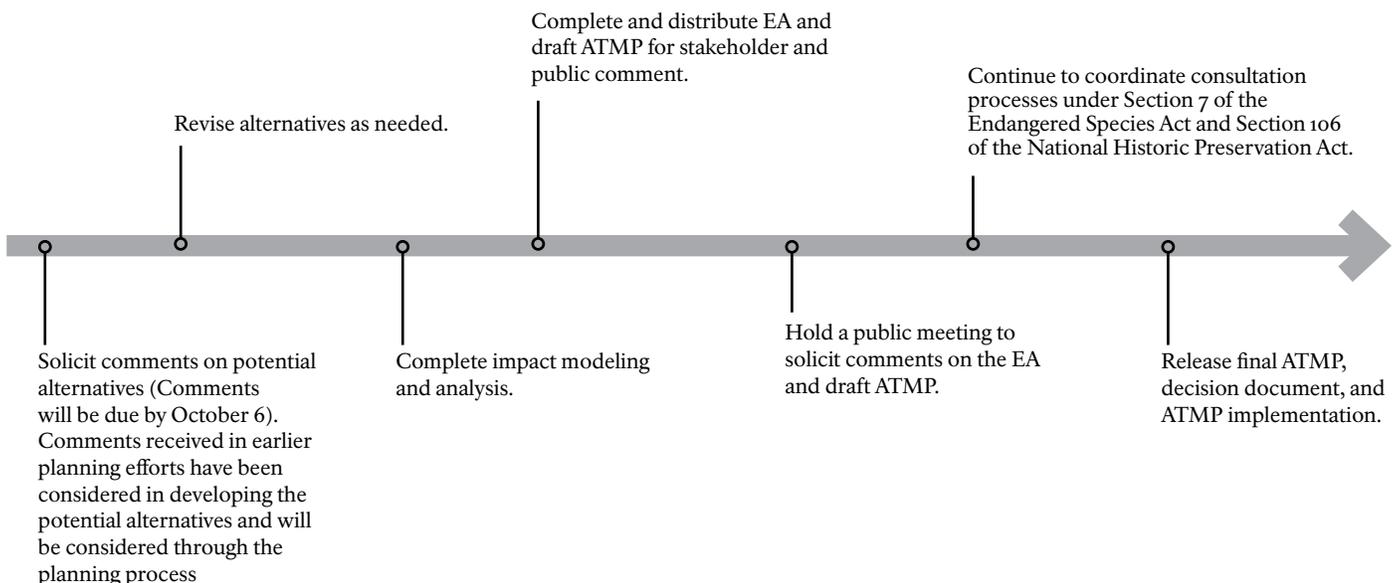
Next Steps

This public scoping period represents the first opportunity to be involved in the current planning process. During this scoping period, the project planning team would like to receive comments on the potential alternatives. After this public scoping process has concluded, the agencies will prepare an EA to comply with NEPA and a draft ATMP. Important steps in the planning process are in the graphic below.

The FAA and the NPS are also identifying resources that are listed in or eligible for listing in the National Register of Historic Places that could be affected by air tours operating under the proposed ATMP. This includes any historic districts, sites, buildings, structures, objects or landscapes, including traditional cultural properties. If members of the public have any information on historic properties that they believe would be helpful in this effort, including properties outside of the Park, we welcome that assistance.

The FAA and the NPS are also seeking to identify additional individuals or organizations that may be interested in participating in Section 106 of the National Historic Preservation Act consultations for the ATMP as consulting parties.

Should you have information you wish to provide regarding historic properties or are interested in participating in the Section 106 review process as a consulting party, please contact Sheri G. Lares at 701.323.7388 or sheri.lares@faa.gov and copy the ATMP Team at ATMPTeam@dot.gov. Please note that this contact information is only for correspondence related to the Section 106 process and comments not related to the Section 106 process will not be accepted or relayed via email. Instructions for general public comment on the potential alternatives described in this newsletter are provided below.



Instructions for Public Comment

Please comment on any alternative and/or alternative element described above. The agencies are seeking substantive comments that describe why something will or will not work, provide new ideas or factual information to correct or adjust assumptions made, or present reasonable alternatives other than those described. Comments that merely support or oppose the proposals are not considered substantive. Commenters may wish to consider the following questions:

- What elements of the alternatives do you think are most important? Why?
- What other information should the planning team consider when analyzing the alternatives?
- Are there other elements or ideas that should be considered and analyzed that are not already presented? What is missing, and why should it be considered?
- Are there other resources or impact topics that should be considered in the analysis?
- What other comments and suggestions do you have?

Comment submission using the Planning, Environment & Public Comment (PEPC) system is preferred, although written comments sent via postal mail will also be accepted. If you do not have access to a computer, use the attached comment form, following directions on the form. Comments will not be accepted via email.

Comments may be submitted using the PEPC system (<https://parkplanning.nps.gov/MountRushmoreATMP>) by October 6, 2022 at 11:59 PM MT.

Written comments may be sent via postal mail to the following address:

Volpe National Transportation Systems Center
Kaitlyn Rimol, V-326
Attn: Mount Rushmore National Memorial ATMP
55 Broadway
Cambridge, MA 02142

Send Us Your Comments!

PLEASE SUBMIT YOUR COMMENTS BY OCTOBER 6, 2022 AT 11:59 PM MT.

Please submit comments electronically by visiting: <https://parkplanning.nps.gov/MountRushmoreATMP>
Once on the website, select “Open for Comment” to provide your thoughts on these preliminary alternatives. If you do not have access to a computer, you can send us your comments on this comment form.

Do you wish to remain on the mailing list for the Air Tour Management Plan ? YES NO

Please print your name and address in the space provided. If the mailing label we used is incorrect, please indicate any corrections in the space below. To keep our mailing list accurate, please check the boxes below that apply.

- Change my address.
- Add my name to the mailing list.
- Remove my name from the mailing list.
- Send me information by e-mail.

Name: _____

Organization, if any: _____

Mailing Address: _____

City/State/Zip: _____

Email: _____

Below, please write any comments or feedback related to information provided in this newsletter. Please include additional sheets of paper as necessary. When complete, please fold this form in half, showing the preprinted address on the outside, tape it closed (no staples please), add postage, and drop in the mail.

Comments will not be accepted by fax, e-mail, or any other way than those specified above. Bulk comments in any format (hard copy or electronic) submitted on behalf of others will not be accepted. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Name: _____

Address: _____

**ADD
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