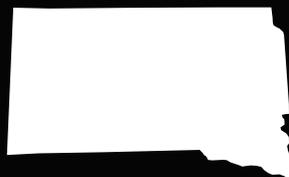




# Badlands National Park

September 2022  
Newsletter



**Air Tour Management Plan**  
Potential Alternatives for Public Comment

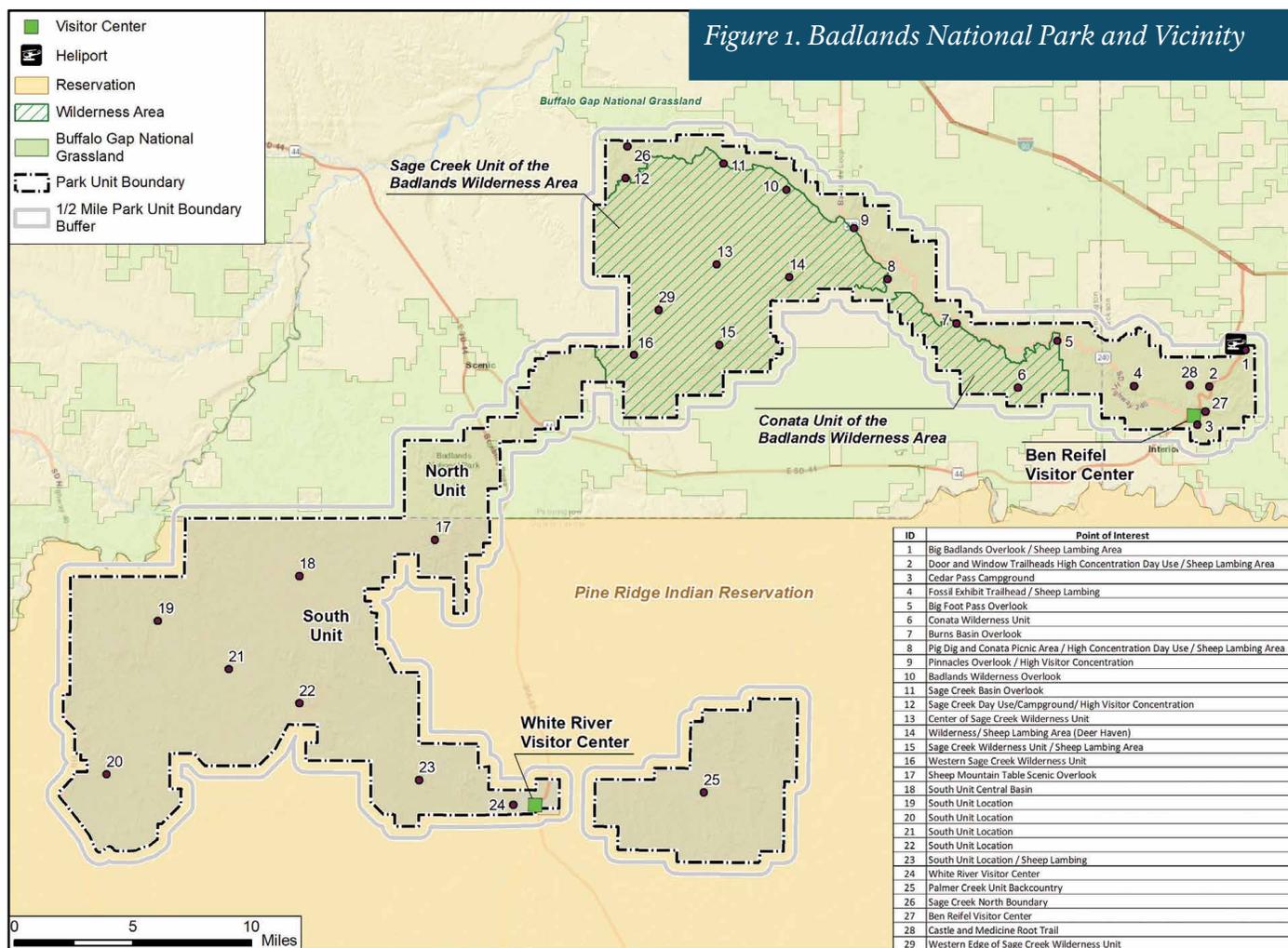
The Federal Aviation Administration (FAA) and the National Park Service (NPS) are working together to present potential alternatives for an air tour management plan for Badlands National Park (Park). Public and stakeholder feedback during this phase is critical. This document will explain:

- 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

## Badlands National Park

Badlands National Park is located in western South Dakota, 70 miles east of Rapid City. The Park (originally Badlands National Monument) was established in 1939, and totals 242,756 acres.

The North Unit includes the 64,250-acre Badlands Wilderness Area (Figure 1). The South Unit is located within the Pine Ridge Indian Reservation, and is managed by the NPS in cooperation with the Oglala Sioux Tribe under a 1976 Memorandum of Agreement.



## Project Introduction

This document presents potential alternatives for the Badlands National Park Air Tour Management Plan (ATMP) Environmental Assessment (EA) for public and stakeholder input. As applied to Badlands National 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 for parks and tribal lands 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 Park's 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 landscapes, 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



# Elements Common to All Alternatives for the Badlands National Park ATMP

All alternatives being considered for selection for the Badlands National Park ATMP will incorporate the following:

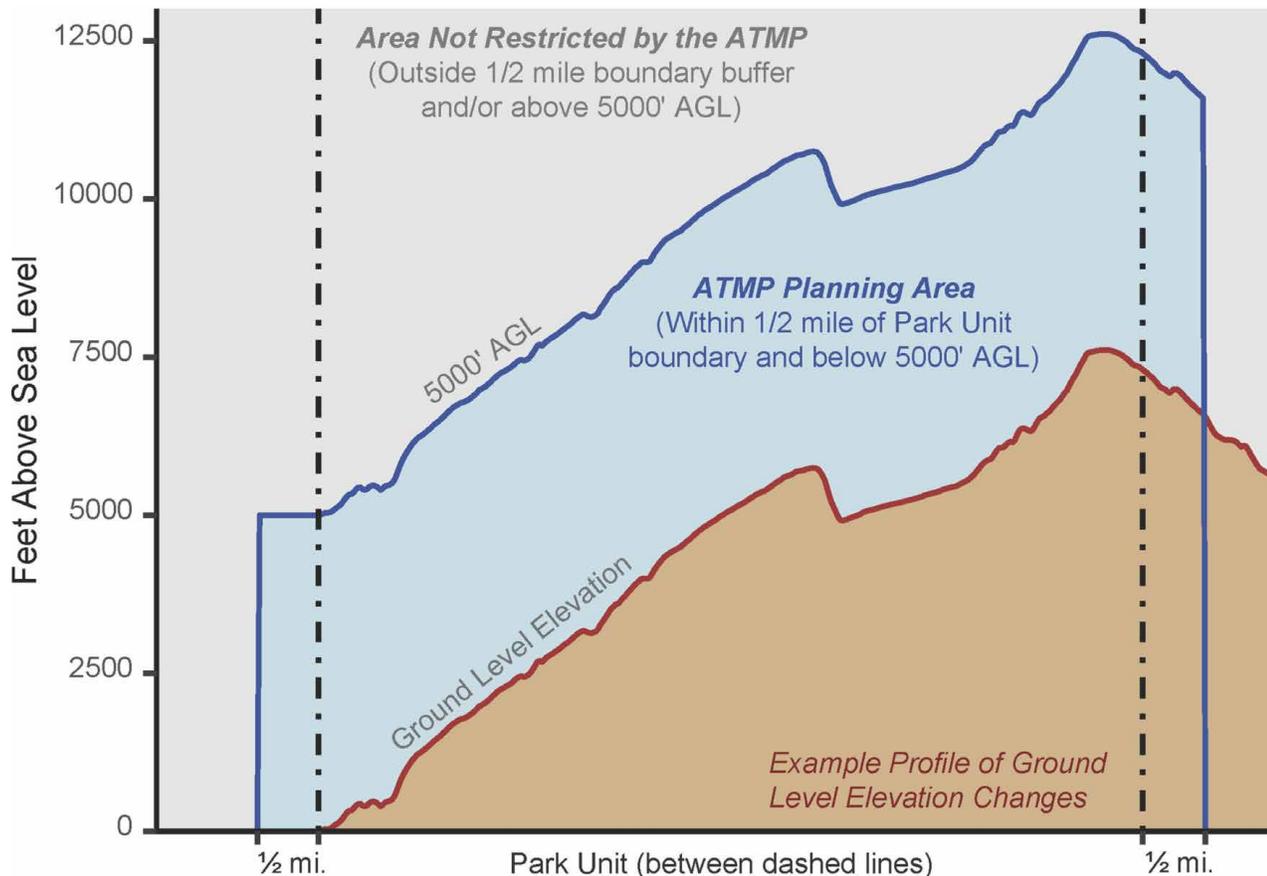
## ATMP Planning Area

Under the Act and its implementing regulations, an ATMP regulates commercial air tours over a national park or outside the 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.



## 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 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.

## Minimum Altitudes

The range of altitudes examined in the alternatives will be from 800 to 1,500 ft. AGL for helicopters and 1,500 to 2,600 ft. AGL for fixed-wing aircraft.



## Flight Routes

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



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.



## 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.



## 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.

## Alternatives Considered and Dismissed

The agencies considered but dismissed alternatives that would allow air tour operations above existing reported numbers as well as current operating parameters at 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, wilderness character, 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 includes preserving and interpreting: the history, culture, and heritage of the Sioux Nation and Lakota people and traditionally associated Tribal Nations; the contemporary history of use and settlement, wilderness character and values; and the unique landforms, scenery, and natural resources of the Park (see Foundation Document). Noise from

additional or current levels of air tours without changing operating parameters inhibits the NPS's ability to meet these purposes.

Noise from air tours negatively impacts existing sacred sites within the Park that are associated with Tribal Nations, as well as the visitor experience and interpretation of the cultural and natural resources of the Park. The NPS is required to avoid such impacts to sacred sites to the extent possible (NPS 2006 Management Policies 5.3.5.3.2 and 5.3.1.1). Additionally, current air tours over the Park impede the NPS's ability to fully meet the Park's purposes of protecting wilderness character and values, natural resource protection (including the acoustic environment), and interpreting the natural and cultural resources of the Park.

Noise from air tours over the Badlands Wilderness interferes with the opportunity for solitude and detracts from the natural quality of wilderness. The existing air tour operations also diminish visitor opportunities to learn about and be inspired by Park resources and values through interpretation and interfere with the atmosphere of peace and tranquility and the natural soundscapes in the Park and Badlands Wilderness (see NPS Management Policies 4.9).

For these reasons, the agencies have considered but dismissed alternatives that would increase air tours above existing air tour numbers or that would authorize the existing number of air tours without changes to operational parameters.



*Bison at Badlands*

## 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. Under the no action alternative, air tour numbers would be expected to vary from year to year, likely consistent with reported numbers over the past three to five years. Air tour numbers from 2017 to 2019 are listed in Table 1.

Under the no action alternative operators could fly up to their IOA, 4,117 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 4,117 annual commercial air tours over the Park and outside the Park but within 1/2 mile of its boundary, including Oglala Lakota Tribal lands within that area (see Table 1). Under this no action alternative, IOA would remain in place. Though no commercial air tours are currently conducted over the South Unit of the Park or within the 1/2 mile of the South Unit's boundary, including Oglala Lakota Tribal lands within the area, under this alternative any operator with IOA for the Park could conduct such tours.

Since reporting began in 2013, the total number of commercial air tours reported over the Park each year has ranged from 962 (reported in 2013) to 1,729 (reported in 2018). The operators may not exceed their respective IOA limitation in any given year.

The average annual number of commercial air tours conducted over the Park from 2017-2019 for all operators is 1,425. The agencies consider the 2017-2019, three-year average, the existing baseline for the purposes of understanding the existing number of commercial air tour flights over the Park. These years were selected because they reflected relatively current air tour conditions, represented reliable operator

## Alternative 1 — No Action/No ATMP

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.

## Routes and Altitudes

There are no designated flight routes or no-fly zones under the no action alternative. The figure for this alternative (Figure 2) depicts general route information provided by current commercial air tour operators, but operators could change routes without notice.

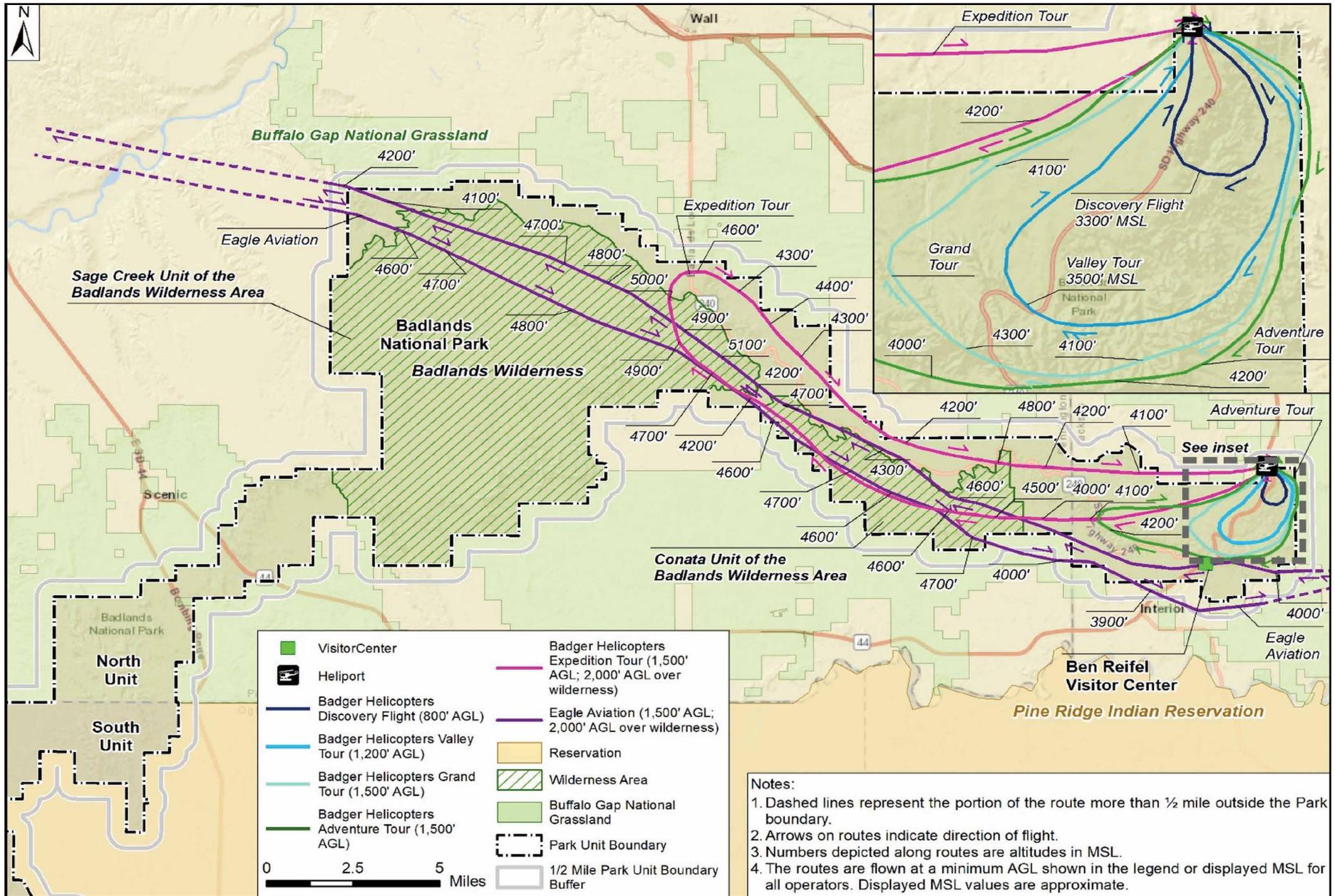
## Operators, Aircraft Types, Interim Operating Authority

The two commercial operators that hold IOA for the Park reported flying commercial air tours over the Park between 2013 and 2019. Badger Helicopters, Inc. (Badger) flies helicopters, and Eagle Aviation, Inc. (Eagle) flies fixed-wing aircraft. Badger flies five loop routes that originate outside the northeast corner of the Park, adjacent to the Park boundary, and vary in length from approximately 3 miles to over 40 miles. Eagle flies one route down-and-back along the north unit of the Park. The following table (Table 1) 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)
Badger Helicopters, Inc.	BHT-206B, BHT-47-G3B1, R-44-II, R-66-66 (helicopters)	1,190	1,729	1,349	1,423	4,099
Eagle Aviation, Inc.	Cessna 172, Cessna 206 (fixed-wing)	4	0	0	2	18
		<b>1,194</b>	<b>1,729</b>	<b>1,349</b>	<b>1,425</b>	<b>4,117</b>

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 for the purposes, resources, and values of the Park. The Park holds and protects numerous resources and values including: sites of spiritual and cultural significance to Native Americans and traditional cultural practices; threatened and endangered species and other wildlife sensitive to noise; Congressionally designated wilderness and visitor opportunities for solitude; ground-based visitor experiences; scenic qualities, and natural sounds.

This alternative supports the following Park management objectives:

- Park acoustic resources support an outstanding visitor experience and opportunities to hear and enjoy natural sounds.
- Acoustic resources of the Park are maintained such that the following aspects of wilderness character area is preserved; solitude or primitive and unconfined recreation, including remoteness from sights and sounds; untrammled or wildness; naturalness; undeveloped; other features or values.
- Parks 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 and use of these resources by traditionally associated communities.

### Description

Alternative 2 would prohibit air tours within the ATMP planning area, except for the purpose of takeoff and landing at a helipad operated by Badger that is within the ½ mile of the Park boundary. The ATMP planning area includes the airspace below 5,000 ft. AGL and within ½-mile of the Park boundary. The Park itself and all areas within ½ mile of the Park boundary 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. Based on current air tour activity, it is unknown if operators would begin conducting air tours outside of the Park. The actual flight path and number of air tours outside the ATMP planning area would vary due to operator preference and weather conditions at the time of the air tour.

## Alternative 2 — No Air Tours in the Planning Area

This alternative could result in some current air tour operators shifting routes to other areas outside the Park that may also be significant to Tribes.<sup>1</sup>

### 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 Flight Standards District Office (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.

<sup>1</sup> 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.

### 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.

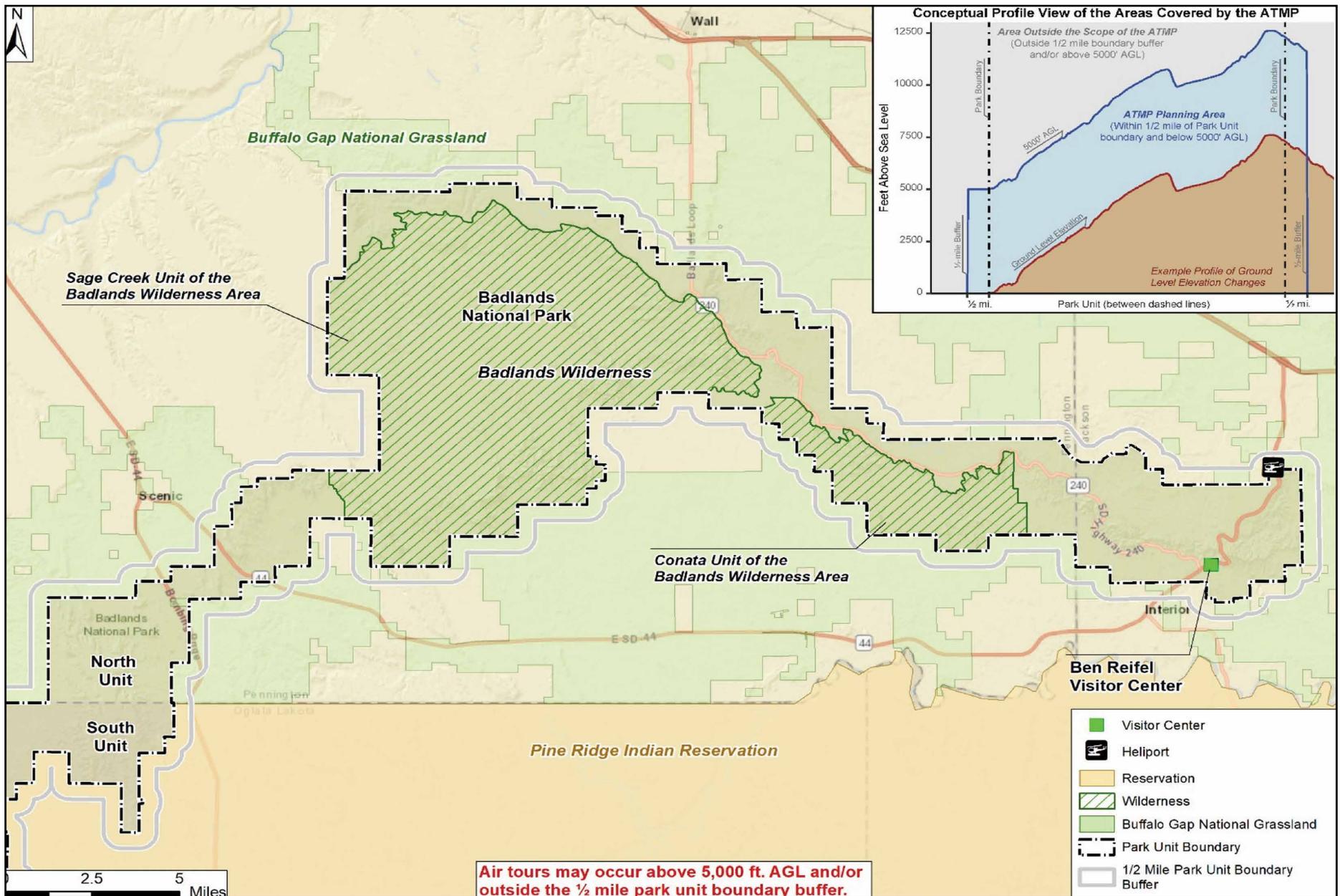
### IOA

The establishment of an ATMP for Alternative 2 (No Air Tours in the Planning Area) would result in the termination of all IOA for both the Park and tribal lands. Air tour operators' operation specifications (OpSpecs) will be updated accordingly. OpSpecs are a set of rules that an operator must follow.



*Badlands Landscape*

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



## Alternative 3 — Operational Modifications to Existing Air Tours

### Objective

The NPS developed Alternative 3 - Operational Modifications to Existing Air Tours to provide an alternative most similar to existing air tour operations, 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, Park management objectives would also apply. The FAA reviewed the alternative to ensure it would not adversely affect aviation safety.

### Description

Alternative 3 would restrict air tour operations within the ATMP planning area. Primarily, the conditions in this alternative include annual and daily caps, designated routes, and required minimal altitudes.

### Caps on Numbers of Flights Allowed Annually and Daily

The annual number of flights would be limited to 1,425 total flights per year across both operators, consistent with the reported average of air tours for 2017, 2018, and 2019. The daily number of flights may not exceed 16 tours per day across both operators. There would be annual and daily limitations for each operator (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 distances and altitudes across the ATMP planning area (see Table 3). These five routes are consistent with what operators currently fly (see Figure 4). While some helicopter routes have seemingly low altitudes, this is due to the helipad being just outside of the Park boundary and the short distance of each looped route. The helicopter would only be able to reach the minimum altitude listed for a brief period before having to turn around and begin descent. Badger Route 5 – Expedition Tour would not be authorized under this alternative due to its extended length and time spent over designated wilderness.

### 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 from May 1 through September 30, for 152 total days each year. Air tours could occur any day of the week.

## 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.

## Restrictions for Particular Events

In addition to the seasonal and time of day restrictions 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 wildlife surveys, tribal ceremonies, or other similar events.

## 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 the ATMP are necessary to address new information or changed circumstances.

## 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 the Park by air tour clients.

## Alternative 3 — Operational Modifications to Existing Air Tours

### 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 could 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. IOA will be terminated when the operators' OpSpecs are updated, which will occur within 90 days of signing of an ATMP.

### 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 ATMP planning area.

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.

## Alternative 3 — Operational Modifications to Existing Air Tours

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.

### 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.

### 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 the 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 — Operational Modifications to Existing Air Tours

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 Allocations	Daily Cap	Number of Routes
Badger Helicopters, Inc.	BHT-206B, BHT-47-G3B1, R-44-II, R-66-66 (helicopter)	1,423	1,423	15	4
Eagle Aviation, Inc.	Cessna 172, Cessna 206 (fixed-wing)	2	2	1	1
		<b>1,425</b>	<b>1,425</b>	<b>16</b>	<b>5</b>

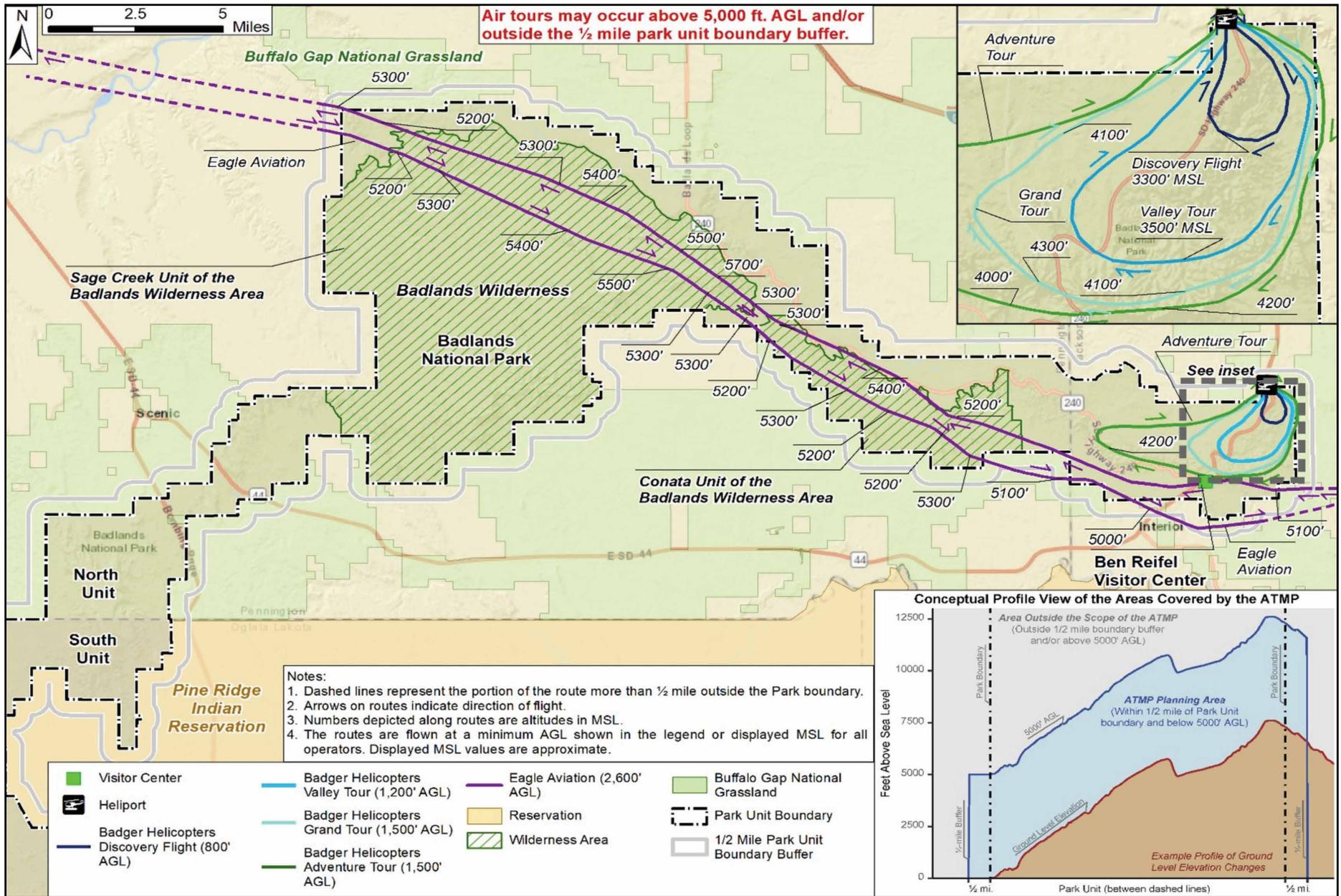
Table 3. Alternative 3 operator routes, altitude, and aircraft type conditions

Route Name	Altitude	Aircraft Type	Operator
BADL-1/Discovery	3,300 ft. MSL/800 ft. AGL	Helicopter	Badger Helicopter
BADL-2/Valley Tour	3,500 ft. MSL/1,200 ft. AGL	Helicopter	Badger Helicopter
BADL-3/Grand Tour	4,000 – 4,200 ft. MSL/1,500 ft. AGL	Helicopter	Badger Helicopter
BADL-4/Adventure Tour	4,200 – 4,400 ft. MSL/1,500 ft. AGL	Helicopter	Badger Helicopter
Eagle Aviation Route	4,100 – 5,000 ft. MSL/2,600 ft AGL	Fixed-wing	Eagle Aviation



*Badlands Moon Rise*

Figure 4. Alternative 3 — Operational Modifications to Existing Tours



## Alternative 4 — Reduction of Air Tours

### Objective

The NPS developed Alternative 4 – Reduction of Air Tours, to provide an alternative that improves the acoustic environment of the Park by reducing the number of existing air tour operations but not eliminating air tours (see Figure 5).

Similar to Alternative 2 - No Air Tours in the Planning Area and Alternative 3 - Operational Modifications to Existing Tours, Park management objectives would also apply. The FAA reviewed the alternative to ensure it does not adversely affect aviation safety.

### Description

Alternative 4 would restrict and reduce air tour operations within the ATMP planning area. Primarily, the conditions in this alternative include annual and daily caps, designated routes, and required minimal altitudes.

### Caps on Numbers of Flights Allowed Annually and Daily

The total number of commercial air tours would be limited to 1,055 total flights per year which is an approximately 26% reduction from existing annual air tours. The daily number of flights may not exceed 8 tours per day. There would be annual and daily limitations for each operator (see Table 4).

### Conditions that are the Same as Alternative 3:

- Routes and Altitudes
- 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 — Reduction of Air Tours

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

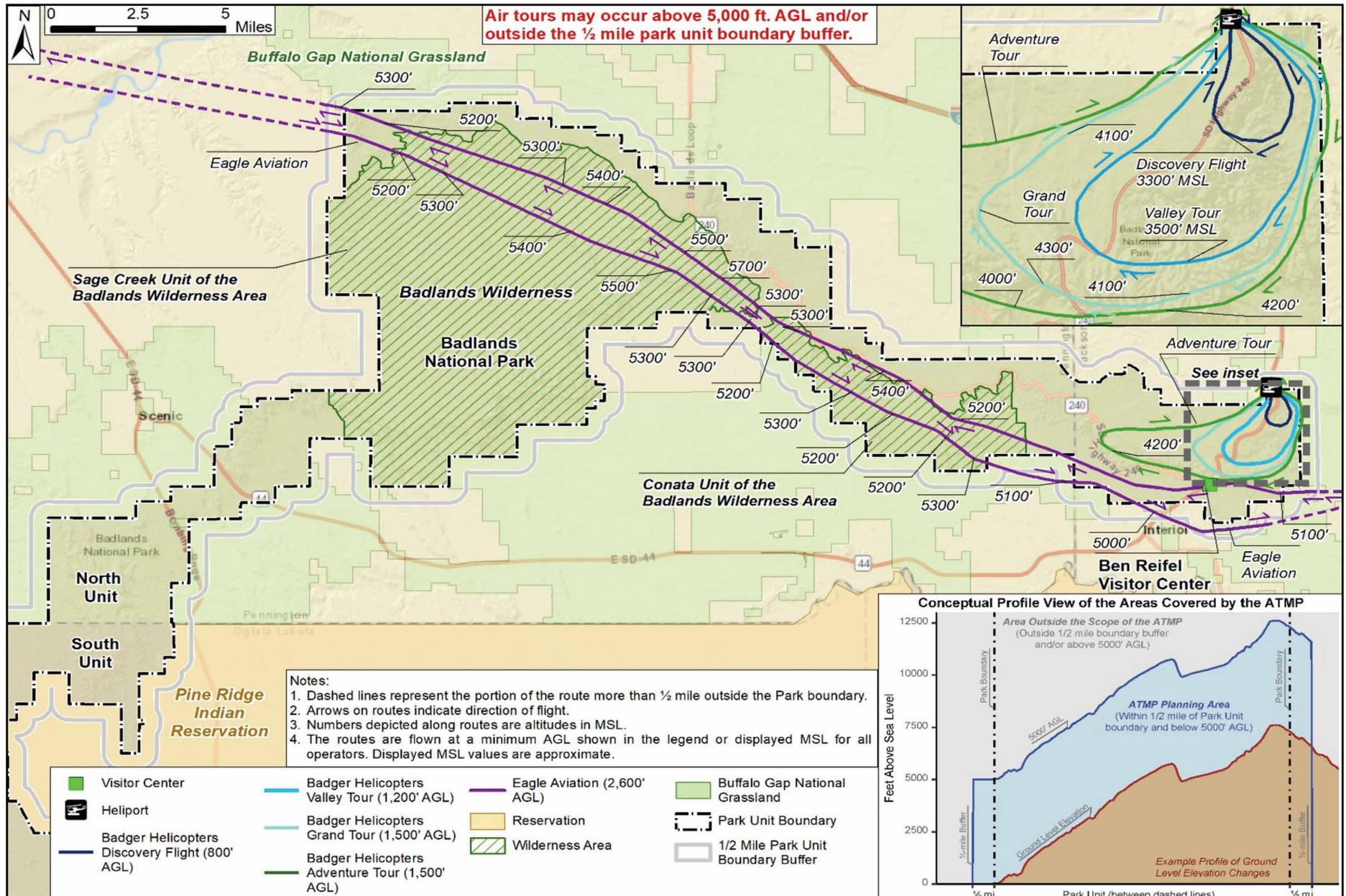
Operator	Aircraft Type	3-year Reported Average No. of Air Tours (2017-2019)	Alternative 4 Allocations	Daily Cap	Number of Routes
Badger Helicopters, Inc.	BHT-206B, BHT-47-G3B1, R-44-II, R-66-66 (helicopter)	1,423	1,053	7	4
Eagle Aviation, Inc.	Cessna 172, Cessna 206 (fixed-wing)	2	2	1	1
		<b>1,425</b>	<b>1,055</b>	<b>8</b>	<b>5</b>

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

Route Name	Altitude	Aircraft Type	Operator
BADL-1/Discovery	3,300 ft. MSL/800 ft. AGL	Helicopter	Badger Helicopter
BADL-2/Valley Tour	3,500 ft. MSL/1,200 ft. AGL	Helicopter	Badger Helicopter
BADL-3/Grand Tour	4,000 – 4,200 ft. MSL/1,500 ft. AGL	Helicopter	Badger Helicopter
BADL-4/Adventure Tour	4,200 – 4,400 ft. MSL/1,500 ft. AGL	Helicopter	Badger Helicopter
Eagle Aviation Route	4,100 – 5,000 ft. MSL/2,600 ft. AGL	Fixed-wing	Eagle Aviation



Figure 5. Alternative 4 — Reduction of Air Tours



**Table 6. Summary of Alternative Elements**

<b>Alternative Attributes</b>	<b>Alternative 1 (No Action/No ATMP)</b>	<b>Alternative 2 (No Air Tours in the Planning Area)</b>	<b>Alternative 3 (Operational Modifications to Existing Air Tours)</b>	<b>Alternative 4 (Reduction of Air Tours)</b>
<b>General Description and Objectives</b>	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 Park resource protection. 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, and required minimal altitudes.	Restricts and reduces air tour operations within the ATMP planning area. Primarily, the conditions in this alternative include annual and daily caps, designated routes, and required minimal altitudes.
<b>Annual/Daily Number of Flights</b>	Leaves IOA in place, allowing the potential for up to 4,117 commercial air tours each year. Actual number of tours has historically ranged from 962 to 1,729 flights per year, or an average of 1,425 flights (based on 2017-2019 reporting).	None in ATMP planning area.	The annual number of flights would be limited to 1,425 total flights per year across both operators. The daily number of flights may not exceed 16 tours per day across both operators. There would be annual and daily limitations for each operator.	The annual number of flights would be limited to 1,055 total flights per year across both operators. The daily number of flights may not exceed 8 tours per day across both operators. There would be annual and daily limitations for each operator.
<b>Routes</b>	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.  Badger Route 5 – Expedition Tour would be prohibited under this alternative.	Same as Alternative 3.
<b>Minimum Altitudes</b>	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 2,600 ft. AGL for fixed-wing aircraft, and minimum 800 ft. AGL to 1,500 ft. AGL for helicopter aircraft.	Same as Alternative 3.

Continuation of Table 6. Summary of Alternative Elements

<b>Alternative Attributes</b>	<b>Alternative 1 (No Action/No ATMP)</b>	<b>Alternative 2 (No Air Tours in the Planning Area)</b>	<b>Alternative 3 (Operational Modifications to Existing Air Tours)</b>	<b>Alternative 4 (Reduction of Air Tours)</b>
<b>Time of Day</b>	No Restrictions.	N/A	One hour after sunrise to one hour before sunset for non-QT flights.	Same as Alternative 3.
<b>Seasonal Restrictions</b>	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.
<b>Day of Week</b>	No Restrictions.	N/A	Air tours may fly any day of the week from May 1 to September 30.	Same as Alternative 3.
<b>Quiet Technology (QT) Incentives</b>	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.
<b>Operator Training and Education</b>	None.	N/A	Mandatory if requested and/or made available by the FAA or the NPS.	Same as Alternative 3.
<b>Annual Meeting</b>	None.	N/A	Mandatory if requested and/or made available by the FAA or the NPS.	Same as Alternative 3.
<b>Restrictions for Particular Events</b>	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/No ATMP)	Alternative 2 (No Air Tours in the Planning Area)	Alternative 3 (Operational Modifications to Existing Air Tours)	Alternative 4 (Reduction of Air Tours)
<b>Adaptive Management</b>	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.
<b>Operators, Initial Allocation of Air Tours, Aircraft Types, and Interim Operating Authority</b>	<p>Two operators hold IOA for 4,117 air tours each year.</p> <p>Badger Helicopter: BHT-206B, BHT-47-G3B1, R-44-II, R-66- 66</p> <p>Eagle Aviation: Cessna 172, Cessna 206</p> <p>Aircraft type used by operators could change under this alternative.</p>	The establishment of the ATMP will result in the termination of all IOA for the Park and tribal lands.	<p>Badger Helicopter: 1,423 flights annually; BHT-206B, BHT-47-G3B1, R-44-II, R-66- 66</p> <p>Eagle Aviation: two 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 and tribal lands.</p>	<p>Badger Helicopter: 1,053 flights annually; BHT-206B, BHT-47-G3B1, R-44-II, R-66- 66</p> <p>Eagle Aviation: two 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 and for tribal lands.</p>
<b>Amendments</b>	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
Park	Badlands National Park
PEPC	Planning, Environment & Public Comment System
OpSpecs	Operations Specifications
QT	Quiet Technology



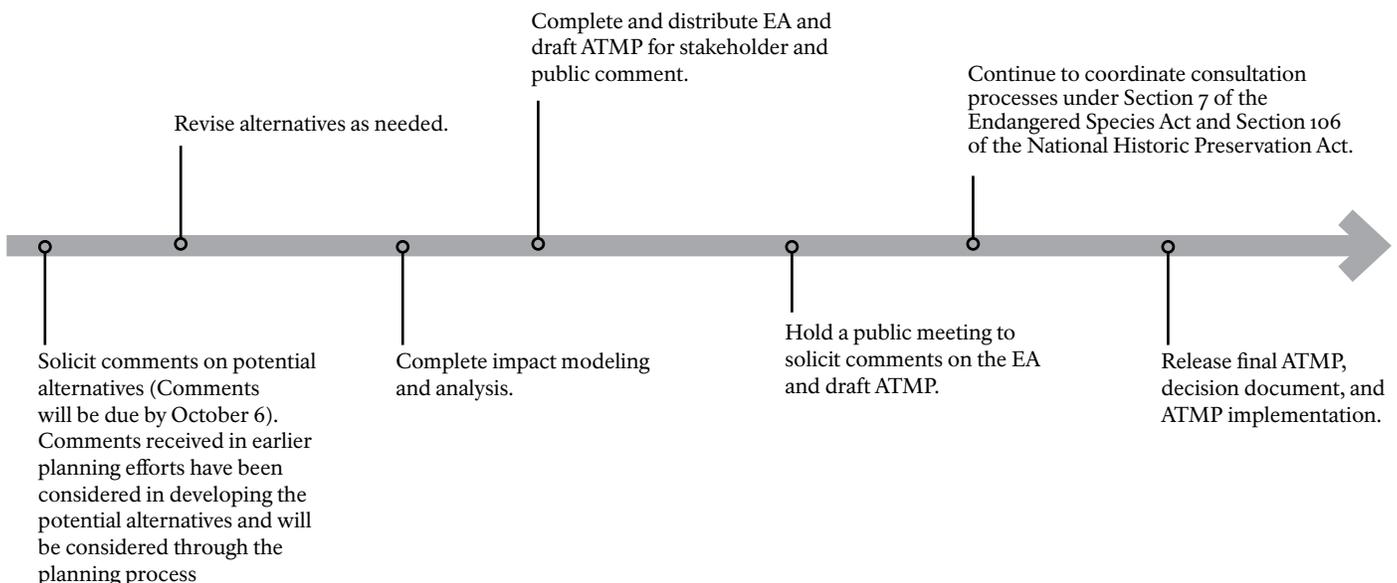
## Next Steps

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. We want to ensure that we include anyone that may have information or expertise to share.

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](mailto:sheri.lares@faa.gov) and copy the ATMP Team at [ATMPTeam@dot.gov](mailto: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/BadlandsATMP>) 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: Badlands National Park 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/Badlands>  
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.

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Volpe National Transportation Systems Center  
Kaitlyn Rimol, V-326  
Attn: Badlands National Park ATMP  
55 Broadway  
Cambridge, MA 02142



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Volpe National Transportation Systems Center  
Kaitlyn Rimol, V-326  
Attn: Badlands National Park ATMP  
55 Broadway  
Cambridge, MA 02142