

COMMERCIAL AIR TOUR
VOLUNTARY AGREEMENT
FOR
STATUE OF LIBERTY NATIONAL
MONUMENT
AND
GOVERNORS ISLAND
NATIONAL MONUMENT

[Name of Operator]
[Month Day, Year]



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**COMMERCIAL AIR TOUR
VOLUNTARY AGREEMENT**

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4 **SUMMARY**

5 This Air Tour Voluntary Agreement (Agreement) provides the terms and conditions for
6 commercial air tours conducted by [*Name of Operator*] of Statue of Liberty National
7 Monument and Governors Island National Monument (Parks) as an alternative to an air
8 tour management plan (ATMP), pursuant to the National Parks Air Tour Management
9 Act (Act) of 2000. The parties to this Agreement are the National Park Service (NPS),
10 the Federal Aviation Administration (FAA), and [*Name of Operator*] (collectively, the
11 Parties).

12 **1.0 INTRODUCTION**

13 The Act requires that commercial air tour operators conducting or intending to conduct
14 commercial air tours over a unit of the National Park system apply to the FAA for
15 operating authority before engaging in that activity. The Act further requires the NPS
16 and the FAA to establish an ATMP for each National Park System unit for which one or
17 more applications has been submitted, unless that unit is exempt from this requirement.¹

18 As an alternative to an ATMP, the NPS and the FAA may enter into a voluntary
19 agreement with a commercial air tour operator who has applied to conduct commercial
20 air tour operations over a national park including an operator that has interim operating
21 authority for the park or a new entrant commercial air tour operator.² Voluntary
22 agreements must address the management issues necessary to protect the resources and
23 visitor use of the park without compromising aviation safety or the air traffic control
24 system.³ A voluntary agreement may also include conditions for the conduct of air tour
25 operations and provisions to ensure the stability of and compliance with the voluntary
26 agreement. Each voluntary agreement reflects the provisions and conditions appropriate
27 for the particular national park to which the agreement applies.

28 **2.0 APPLICABILITY**

29 This Agreement applies only to commercial air tour operations conducted by [*Name of*
30 *Operator*] in the area depicted in Figure 1 below. A commercial air tour subject to this
31 Agreement is any flight, conducted for compensation or hire in a powered aircraft where
32 a purpose of the flight is sightseeing over the Parks, or within ½ mile of the boundary of
33 the Parks, during which the aircraft flies:

- 34 (1) Below 5,000 feet above ground level (except solely for the purposes of takeoff
35 or landing, or necessary for safe operation of an aircraft as determined under the

¹ The Act provides an exemption to the ATMP and voluntary agreement requirement for parks with 50 or fewer commercial air tour operations each year unless the exemption is withdrawn by the NPS. *See* 49 U.S.C. § 40128(a)(5).
² *Id.* § 40128(b)(7)(A).
³ *Id.* § 40128(b)(7)(B).

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36 rules and regulations of the FAA requiring the pilot-in-command to take action to
37 ensure the safe operation of the aircraft); or

38 (2) Less than one mile laterally from any geographic feature within the Parks
39 (unless more than 1/2-mile outside the boundary of the Parks).

40 See 14 CFR § 136.33(d).

41



42 **Figure 1.** Map of area subject to the Agreement for Statue of Liberty National Monument and
43 Governors Island National Monument. An expanded view of the area of the Parks can be found
44 in Appendix A.
45

46 **3.0 OVERVIEW OF THE PARKS**

47 **Statue of Liberty National Monument** is located on Liberty Island in New York
48 Harbor. The monument was presented to the American people in 1886 by the Franco-
49 American Union to commemorate the 100th anniversary of the independence of the
50 United States. The Monument consists of two elements: the Statue of Liberty and the 12-
51 acre Liberty Island on which it stands, and Ellis Island.

52 Liberty Island is located in Upper New York Bay, approximately 1.5 miles southwest of
53 the tip of Manhattan Island. The Statue of Liberty has greeted millions who crossed the
54 Atlantic Ocean in search of freedom and opportunity and serves as a symbol to the world

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55 of those ideals of liberty upon which the United States was founded. Liberty Island
56 contains several historic buildings that date from the early 1950s and are listed as
57 contributing to the significance of the Liberty Island National Register Historic District.
58 More than 4 million people visit Liberty Island each year.

59 Ellis Island, purchased by the federal government in 1808 from the State of New York,
60 was approved as a site for fortifications, making the island part of the harbor defense
61 system that included Castle Clinton at Battery Park in Lower Manhattan, Castle Williams
62 and Fort Jay on Governors Island, Fort Wood on Bedloe’s Island (now Liberty Island),
63 and two earthworks forts at the entrance to New York Harbor at the Verrazano Narrows.
64 In 1890, Ellis Island was selected as the site for the new federally operated immigration
65 station for the Port of New York, and the facility opened on January 1, 1892. Ellis Island
66 occupies a singular place in America’s heritage as the primary U.S. immigration station
67 from 1892 to 1954 when more than 12 million people passed through its complex.

68 Originally 3.5 acres in size, today Ellis Island covers nearly 27.5 acres. Ellis Island is the
69 preeminent example of a government immigration and public health operation—the
70 busiest and largest of its time. The “island of hope, island of tears” now symbolizes the
71 American story of immigration, the cultural richness of the United States, and the
72 contribution of immigrants to U.S. society.

73 Liberty and Ellis Islands contain several archeological sites including Native American
74 shell middens and structures related to the historic development and use of the islands by
75 the military and government immigration agencies. The museum collection of the Statue
76 of Liberty National Monument and Ellis Island includes approximately 390,000
77 individual artifacts and more than one million archival records that represent the cultural
78 and natural histories of both Liberty and Ellis Islands.

79 The purpose of Statue of Liberty National Monument and Ellis Island is to preserve,
80 protect, and interpret these national and international symbols of freedom and migration
81 and to promote understanding, reflection, and discussion about the meanings of liberty
82 and opportunity.

83 **Governors Island National Monument** is located in New York Harbor, just south of
84 Manhattan and west of Brooklyn. From 1794 to 1966, the U.S. Army on Governors
85 Island was part of the social, political, and economic tapestry of New York City. Today,
86 the island is a vibrant venue of art, culture, and performance against the backdrop of two
87 centuries of military heritage and the skyline of one of the great cities of the world. Of the
88 172-acre Governors Island, NPS manages 22 acres.

89 Governors Island National Monument was first established in 2001 to preserve and
90 protect Castle Williams and Fort Jay and to interpret them and their role in the defense of
91 New York Harbor and the Nation. The island provides an opportunity to educate the
92 public about the evolution of coastal defense and military communities as well as the
93 Harbor’s rich history and ecology.

94 Governors Island National Monument has had an important role in American history and
95 defense, beginning with the American Revolution. Governors Island held Confederate

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96 prisoners of war and Union deserters during the Civil War and served as an important
97 shipment center during World Wars I and II. The U.S. Army left Governors Island in
98 1966, when it was then used by the U.S. Coast Guard until 1996. In 1985, the northern
99 121 acres of the island, with 62 historic structures in a campus-like landscape, were
100 designated a National Historic Landmark District.

101 Governors Island National Monument is one of the parks within the National Parks of
102 New York Harbor, a framework the NPS created to enhance the identity, visibility, and
103 public support for the parks in the New Jersey–New York metropolitan area. The
104 mission of the National Parks of New York Harbor includes strategic alliance with New
105 York City and other governances; collaboration with other parks and organizations in the
106 area in the care and appropriate use of all historic, recreational, and natural resources; and
107 promotion of the national park system.

108 The NPS has offered youth programs, education programs, volunteer opportunities,
109 guided and self-guided tours of Governors Island National Monument and surrounding
110 historic district. As of 2021, for the first time in history, Governors Island has been open
111 to visitors year-round.

112 3.1 Management Issues Addressed by this Agreement

113 Commercial air tours of the Parks can impact the acoustic and visual experience for
114 visitors. Conditions for the management of commercial air tour operations, contained in
115 Section 4.0, are intended to minimize effects of commercial air tours on the Parks. The
116 setbacks that prevent commercial air tours within 1,000 feet (ft.) laterally of the Parks are
117 intended to protect visitor experience throughout the Parks by reducing potential
118 disturbances caused by commercial air tours.

119 Statue of Liberty National Monument: Ellis Island and Liberty Island are listed in the
120 National Register of Historic Places. Access inside the Statue of Liberty Pedestal is
121 limited by means of reservation system. One result of this limitation is that a significant
122 percentage of visitors are outside on the grounds of Liberty Island only, where external
123 sources of noise, such as aircraft, have the potential to impact visitor experience
124 negatively. The Department of Homeland Security (DHS) and the Department of the
125 Interior (DOI) have identified Statue of Liberty National Monument as being at increased
126 risk for terrorist activity, and therefore the park unit is subject to much higher safety and
127 security standards consistent with DOI and DHS critical infrastructure policies.

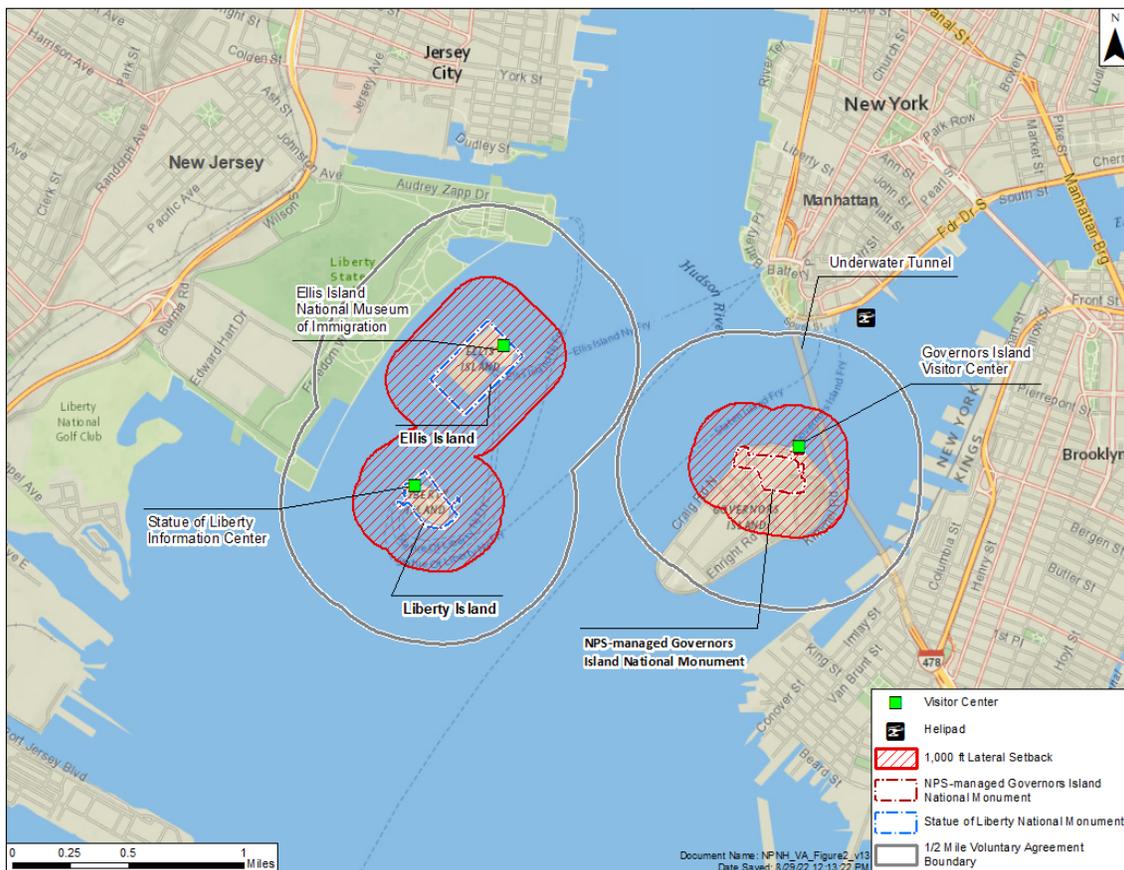
128 Governors Island National Monument: Fort Jay and Castle Williams are listed in the
129 National Register of Historic Places. Parts of Governors Island are places to enjoy fewer
130 man-made sounds compared to the highly urban environments surrounding the island.
131 Even though Governors Island National Monument was not established as a reprieve
132 from urban life, many visitors remark to NPS that the island is an oasis from the noise,
133 fumes, and general bustle of the surrounding city. The noise from helicopters often
134 disrupts public programs and tours.

135 **4.0 CONDITIONS FOR THE MANAGEMENT OF COMMERCIAL AIR TOUR**
136 **OPERATIONS OF THE PARKS**

137 This Agreement includes the following provisions and conditions:

138 All commercial air tours shall maintain a 1,000 ft. lateral setback from Liberty Island
139 (high water mark), Ellis Island (high water mark), and the Governors Island National
140 Monument boundary as shown in Figure 2.⁴

141 Except when necessary for takeoff or landing, or in an emergency or to avoid unsafe
142 conditions, or unless otherwise authorized for a specified purpose, [Name of Operator]
143 may not fly commercial air tours within 1,000 ft. laterally of the high water mark of
144 Liberty and Ellis Islands and the Governors Island National Monument boundary.



145 **Figure 2.** Commercial air tour lateral setbacks for Statue of Liberty National Monument and
146 **Gov**ernors Island National Monument. An expanded map can be found in Appendix A.
147

148 Air tour operations within the ½ mile voluntary agreement boundary of Ellis Island,
149 Liberty Island, and Governors Island shall be conducted in a clockwise direction.
150 Operations shall be conducted at a minimum of 500 ft. above ground level (AGL) within
151 the ½ mile voluntary agreement boundary of Ellis Island and Liberty Island. Operations
152 shall be conducted at a minimum of 500 ft. AGL within the ½ mile voluntary agreement

⁴ Appendix A contains an enlarged Figure 2.

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153 boundary of Governors Island unless on arrival to / or departure from Downtown
154 Manhattan Heliport. Helicopters shall not circle or hover within the ½ mile voluntary
155 agreement boundary around Ellis Island, Liberty Island, and Governors Island except as
156 consistent with the general traffic flow around the Islands.

157 Both Parks are contained within a Special Flight Rules Area (SFRA).⁵ All rules of the
158 SFRA apply. This Agreement is consistent with, and does not replace, rules of operation
159 within the SFRA. This Agreement is intended to provide instruction for conducting tours
160 within the SFRA.

161 **5.0 COMPLIANCE**

162 Provisions to ensure the stability of, and compliance with, the Agreement (49 USC
163 40128(b)(7)(B)(ii)) are described below.

164

165 5.1 Compliance Mechanisms

166 Compliance with this Agreement will be ensured through ongoing communications
167 among the Parties to this Agreement, periodic reporting of air tour operations by [*Name*
168 *of Operator*] as described in 5.4 of this Section, and enforcement measures if necessary.
169 The Parties agree to work together to address any possible compliance issues.

170 5.2 Meetings

171 The Parties will meet on a periodic basis, or as necessary, to discuss compliance and
172 ways to improve the protection of Parks' resources.

173 5.3 Monitoring and Oversight

174 On the effective date of this Agreement, all commercial air tours must comply with the
175 terms of this Agreement in all respects. The NPS and the FAA are both responsible for
176 the monitoring and oversight of the Agreement. If the NPS identifies instances of non-
177 compliance, the NPS will report such findings to the appropriate FAA Flight Standards
178 District Office (FSDO). The public may also report allegations of non-compliance with
179 this Agreement to the FSDO. The FSDO will investigate and respond to all written
180 reports consistent with applicable FAA guidance.

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

185 5.4 Reporting Requirements

186 [*Name of Operator*] will submit to the NPS and the FAA semi-annual reports regarding
187 the number of commercial air tours of either or both of the Parks that are conducted by
188 [*Name of Operator*] and any such other information as the NPS and the FAA may

⁵ New York Class B Airspace Hudson River and East River Exclusion Special Flight Rules Area (14 CFR 93.350-353).

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189 request. Reports are due to both the NPS and the FAA no later than 30 days after the
190 close of each reporting period. Reporting periods are January 1 through June 30 and July
191 1 through December 31. [*Name of Operator*] shall adhere to the requirements of any
192 reporting template provided by the agencies.

193 **6.0 TRIBAL CONSULTATION**

194 The Act requires the NPS and the FAA to consult with any Indian tribe whose tribal lands
195 are, or may be, flown over by a commercial air tour operator under a voluntary
196 agreement.⁶ The Parks are not adjacent to tribal lands, nor will air tours authorized by
197 the Agreement fly over tribal lands as defined by the Act.⁷ Therefore, tribal consultation
198 is not required by the Act. However, consistent with policy, the agencies did conduct
199 outreach to Indian Tribes and indigenous organizations reasonably believed to have
200 interests in the area subject to the Agreement.

201 **7.0 PUBLIC REVIEW**

202 The Act requires the NPS and the FAA to provide an opportunity for public review of a
203 proposed voluntary agreement.

204 The final Agreement will include an additional paragraph(s) describing the public review
205 opportunity.

206 **8.0 AMENDMENT**

207 The NPS, the FAA, or [*Name of Operator*] may request an amendment to this
208 Agreement. Written notice to amend the Agreement must be sent to the other two parties
209 to the Agreement. Revisions to the Agreement can only be approved if all three Parties
210 sign the amendment to the Agreement, following the opportunity for public review and
211 tribal consultation, as necessary.

212 **9.0 TRANSFER OF VOLUNTARY AGREEMENT**

213 This Agreement is not transferable to another air tour operator unless the transfer is
214 pursuant to the complete sale of the air tour company to another air tour company and the
215 Agreement is re-signed by the FAA, the NPS, and the successor air tour operator.

216 **10.0 CONFORMANCE OF OPERATIONS SPECIFICATIONS**

217 Revised OpSpecs will be reissued within 90 days of the date this Agreement is signed by
218 all Parties and will remain in effect until this Agreement is revised or terminated.

⁶ 49 U.S.C. § 40128(b)(7)(C).

⁷ *See id.* at § 40128(g)(6).

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219 **11.0 TERMINATION**

220 11.1 Initiation of Termination

221 This Agreement may be terminated at any time at the discretion of:

222 (1) the NPS if it determines that the Agreement is not adequately protecting the
223 Parks' resources and/or visitor experiences;

224 (2) the FAA if it determines that the Agreement is adversely affecting aviation
225 safety and/or the national aviation system; or

226 (3) [*Name of Operator*] for any reason.

227 Any Party that initiates termination shall send notification in writing to the other
228 signatories of this Agreement.

229 11.2 Conditions upon Termination

230 Upon termination, [*Name of Operator*] shall be prohibited from conducting commercial
231 air tours as defined in Section 2.0, Applicability.

232 11.3 Effective Date of Termination

233 The effective date of termination of this Agreement shall be 30 days following a
234 termination notice by any of the Parties to the Agreement.

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236 **12.0 AGREEMENT AND EFFECTIVE DATE**

237 The Parties to this Agreement agree to abide by the terms set forth in this Agreement.
238 This Agreement is effective on the date new OpSpecs incorporating the operator’s
239 operating parameters are issued and will remain in effect until it is terminated. Revised
240 OpSpecs will be issued within 90 days of the date that this Agreement is signed and will
241 remain in effect until this Agreement is revised or terminated. Consistent with the
242 Voluntary Agreements with other operators conducting air tours over the Parks, interim
243 operating authority previously issued to [*Name of Operator*] for the Parks terminates on
244 the effective date of this Agreement.

245

[<i>INSERT name</i>]	Date
Owner	
[<i>Name of Operator</i>]	

[<i>INSERT name</i>]	Date
Regional Director	
Interior Region 1	
National Park Service	

[<i>INSERT name</i>]	Date
Regional Administrator	
Eastern Region	
Federal Aviation Administration	

[<i>INSERT name</i>]	Date
Associate Director	
Natural Resource Stewardship and	
Science Directorate	
National Park Service	

[<i>INSERT name</i>]	Date
Executive Director	
Office of Environment & Energy	
Federal Aviation Administration	

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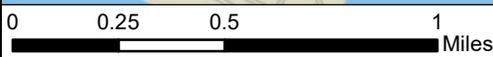
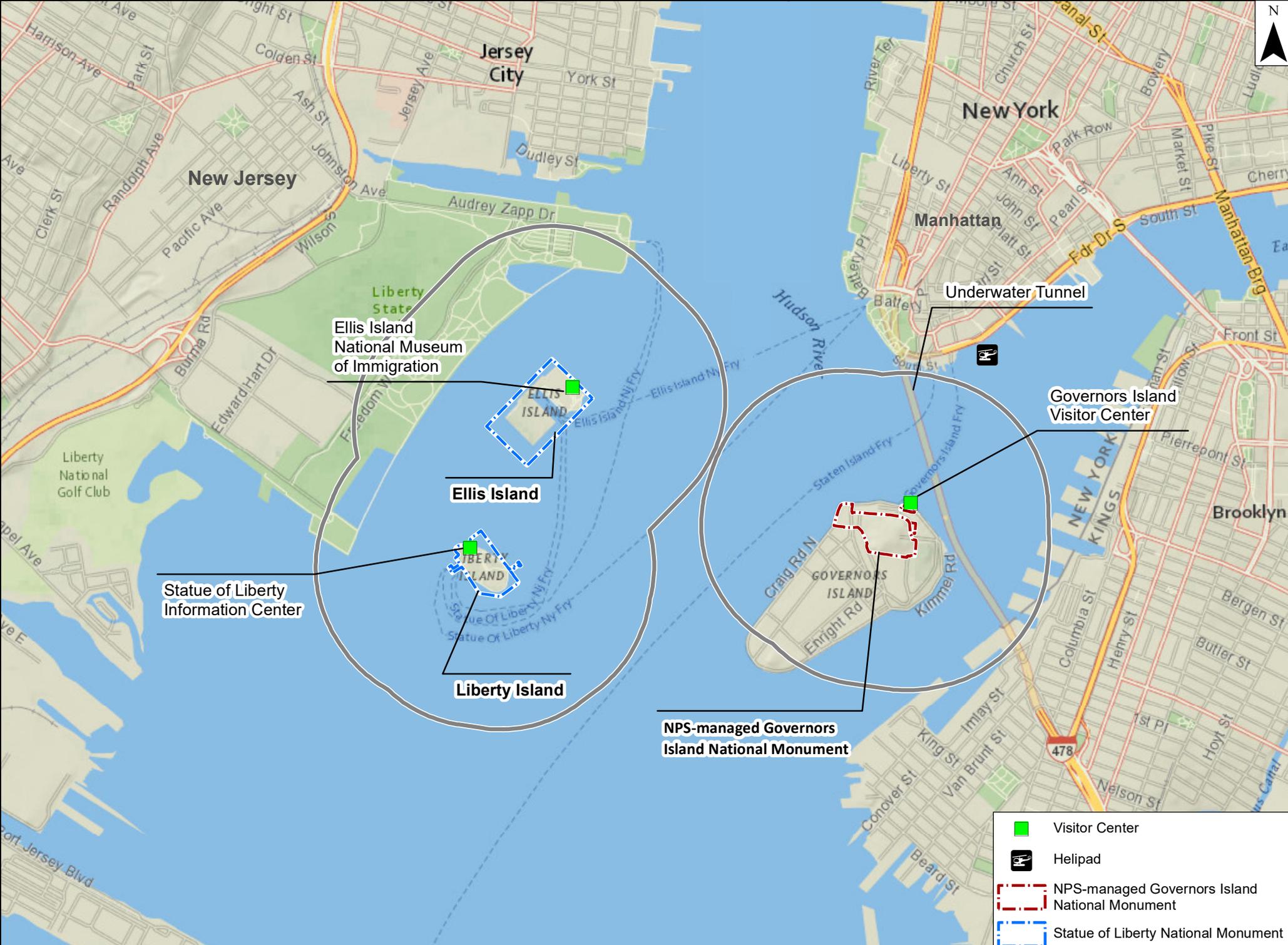
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248 **APPENDIX A**

249 Enlarged Figures 1 and 2

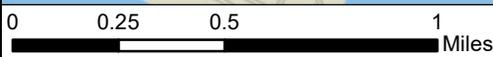
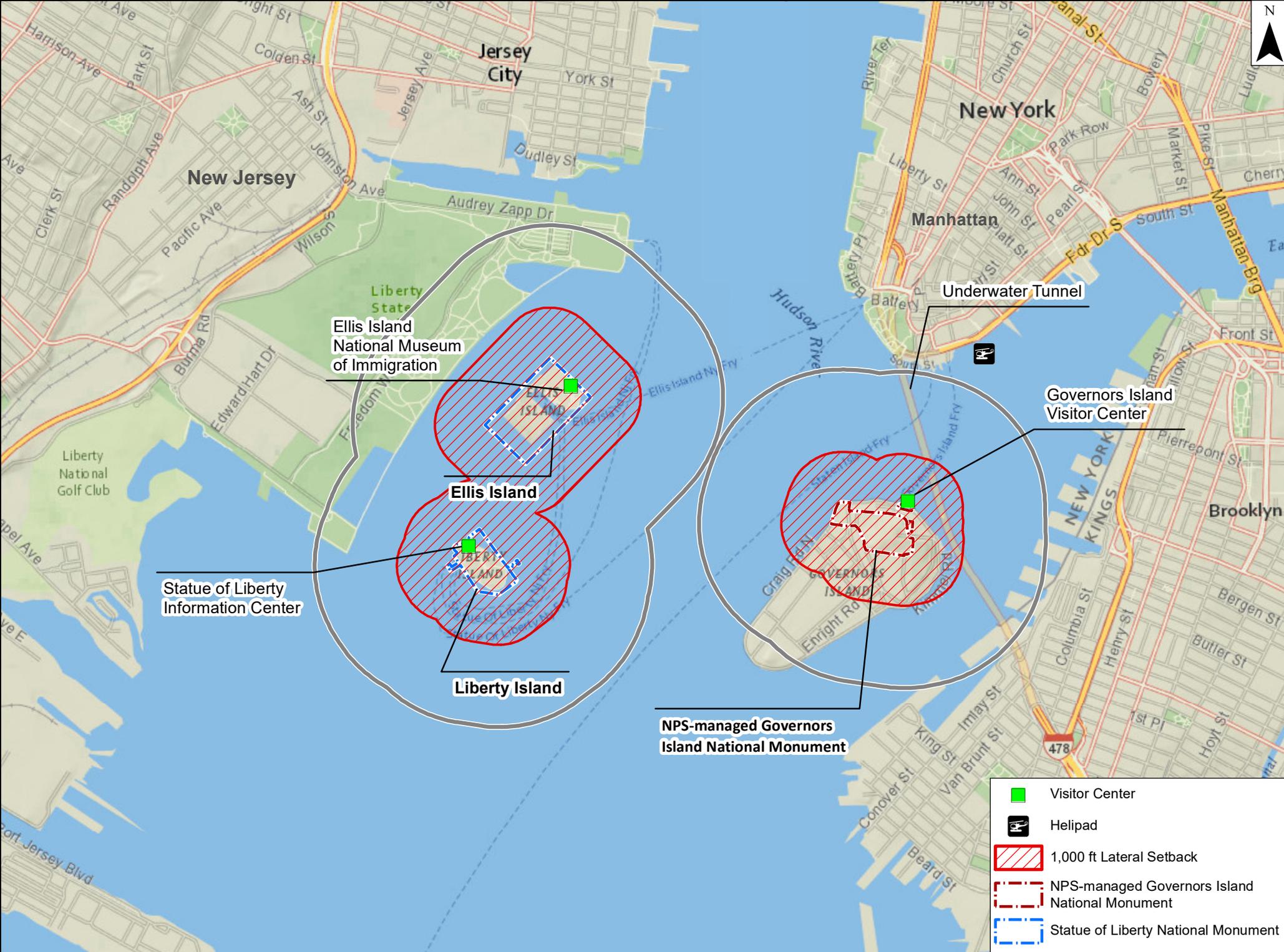
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Date Saved: 8/29/22 12:02:24 PM

-  Visitor Center
-  Helipad
-  NPS-managed Governors Island National Monument
-  Statue of Liberty National Monument
-  1/2 Mile Voluntary Agreement Boundary



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-  Visitor Center
-  Helipad
-  1,000 ft Lateral Setback
-  NPS-managed Governors Island National Monument
-  Statue of Liberty National Monument
-  1/2 Mile Voluntary Agreement Boundary