

Statue of Liberty National Monument and Governors Island National Monument Air Tour Voluntary Agreement: Frequently Asked Questions

What is the purpose of this air tour voluntary agreement (Agreement)?

When completed, this Agreement will establish conditions for commercial air tours of Statue of Liberty National Monument and Governors Island National Monument. The Agreement's purpose is to protect park resources and visitor use without compromising aviation safety or the air traffic control system. The Agreement specifies where tours can fly, altitudes, flight direction, and reporting requirements.

The parks have had commercial air tours for years. Why are you doing this now? Aren't there rules for air tours already, like "Interim Operating Authority"?

Yes, air tours have been flown over these parks since before Congress passed the National Parks Air Tour Management Act of 2000. This law (called NPATMA for short) was created out of concern that noise from tour aircraft could harm national park resources and experiences for visitors below. NPATMA required the FAA to grant interim operating authority to operators already conducting tours of Statue of Liberty National Monument and Governors Island National Monument until an air tour management plan or air tour voluntary agreement was developed. Each operator's current authority is based on the number of tours it was flying annually at the time NPATMA was passed. Interim operating authority does not set routes or operating conditions except for limits on annual number of flights. Given the unique local arrangements that were already in place and the complex airspace which is regulated by the New York Class B Airspace Hudson River and East River Exclusion Special Flight Rules Area (14 CFR 93.350-353), the NPS and FAA decided to develop an air tour voluntary agreement to manage air tours at the two parks. An Agreement must establish operating conditions for commercial air tours that address the management issues necessary to protect the resources and visitor use of the parks without adversely affecting aviation safety or the air traffic control system. FAA, NPS and the operators have worked to develop such an Agreement, which is now available for public review.

What will the Agreement allow?

Operators can continue flying tours with several new conditions. The Agreement would require setbacks that prevent commercial air tours within 1,000 feet (ft.) laterally of the parks. The Agreement would also require that air tours, while within ½ mile of the parks, fly in a clockwise direction at an altitude of at least 500 ft. above ground level (aircraft may fly at lower altitudes around Governors Island during arrival or departure from the Downtown Manhattan Heliport). Helicopters would not be allowed to circle or hover within the ½ mile voluntary agreement boundary around Ellis Island, Liberty Island, and Governors Island except as consistent with the general traffic flow around the Islands. The Agreement would not alter the New York Class B Airspace Hudson River and East River Exclusion Special Flight Rules Area (14 CFR 93.350-353).

How were the operating conditions created?

Air tour conditions, described in Section 4.0 of the Agreement, are based on management concerns and visitor use of the parks. These issues were identified in the following ways:

- Internal assessment of impacts
- Discussions between tour operators and NPS staff

- Assessment of current air tours of the parks

The proposed lateral setbacks, minimum flight altitudes, flight direction, and a prohibition on circling or hovering were determined not to interfere with management objectives and would protect visitor experience.

Was there an environmental review for this Agreement?

NPATMA does not require environmental reviews under the National Environmental Policy Act for voluntary agreements. However, while developing this Agreement with the FAA and the operators, NPS considered possible effects of air tours on visitor experience in the parks. As a result of that process, the agencies and tour operators agreed to establish operating conditions to limit effects on visitor experience. Under Section 3.1, the Agreement addresses management issues including visitor use areas. As required under NPATMA, the draft Agreement is now available for public review, after which it can be implemented without further process or review.

Were Indian tribes consulted during the development of this Agreement?

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

Does this mean there will be less noise from commercial air tours?

Whether a visitor on the ground hears an air tour aircraft depends on several factors, including proximity to aircraft flight paths and other noise sources, time of day, and the surrounding landscape. Visitors near an air tour flight path are more likely to hear the aircraft passing overhead. But other noise sources - vehicles, boats, people, wind and more - can mask aircraft sound. Buildings, vegetation and terrain that lie between noise sources and visitors may also have an effect. The setbacks that prevent commercial air tours within 1,000 ft. laterally of the parks are intended to protect visitor experience throughout the parks by reducing disturbances caused by commercial air tours.

Would this Agreement apply to other aircraft flying over the parks?

No, it is only for commercial air tour operations. NPATMA regulates commercial air tours, which it defines this way:

Any powered aircraft flights for pay or hire that are meant for sightseeing over an NPS park unit and flown within half a mile of the park boundary, below 5,000 ft. above the ground, and less than 1 mile laterally from any geographic feature in the park.

Are air tours a concession at the parks? Do operators pay fees to the NPS?

No, air tours at these parks are provided by nonaffiliated operators who pay no fees to the NPS. However, NPATMA does allow national park units to collect fees for such operations under a voluntary agreement, however fees are not part of this Agreement.

How many operators are included in this Agreement?

The FAA and NPS intend to enter into the Agreement with four operators; two operators that currently hold interim operating authority for the parks, as well as two new operators that have applied for

authority to conduct tours of the parks. The interim operating authority previously issued to the operators for the parks would terminate on the effective date of the Agreement.

Would other operators be allowed under this Agreement?

Other part 135 operators who apply for authority to conduct tours of the parks will also be considered as part of the application process. To apply for authority an air tour operator should submit an application in accordance with Section 11-469 of FAA Order 8900.1 Flight Standards Information Management System, Volume 11 Flight Standards Programs, Chapter 9 Commercial Air Tours, Section 3 Commercial Air Tours Conducted Under 14 CFR Parts 91, 93, 121, 135, and 136 Over National Park Service Units and/or Tribal Lands (<https://drs.faa.gov/browse>). *Note:* Pursuant to FAA's Order 8900.1 (Flight Standards Information Management System) Volume 11 Chapter 9 (<https://drs.faa.gov/browse>) Part 91 operators are not eligible to enter into the Statue of Liberty/ Governors Island voluntary agreement.

Where can I read about this Agreement and how do I submit comments?

You can find this agreement on the parks planning page at <https://parkplanning.nps.gov/NYHarborAirTours>. Anyone may submit comments there online. Please submit comments within 30 days from the Federal Register Notice.

When will the final Agreement go into effect?

The FAA will update the operating specifications for each air tour company under the Agreement within 90 days of its signing (tentatively set for December 2022). Current operators will continue to conduct air tours under interim authority until their operating specifications are updated. After that, the tour companies operate under the Agreement.

How will the NPS and FAA enforce the Agreement?

Compliance is accomplished through continued communication among the FAA, NPS, and air tour operators. The NPS and the FAA are both responsible for the monitoring and oversight of the Agreement. If the NPS identifies instances of non-compliance, the NPS will report such findings to the appropriate FAA Flight Standards District Office (FSDO). The public may also report allegations of non-compliance with this Agreement to the FSDO. The FSDO will investigate and respond to all written reports consistent with applicable FAA guidance.

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

About the National Park Service: More than 20,000 National Park Service employees care for America's 417 national parks and work with communities across the nation to help preserve local history and create close-to-home recreational opportunities. Learn more at the [National Park Service](https://www.nps.gov/) website.