

Public Scoping Packet

Death Valley National Park Air Tour Management Plan



Lead Agency: Federal Aviation Administration

Cooperating Agency: National Park Service

January 11, 2010

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Notice of Intent (NOI)

DEPARTMENT OF TRANSPORTATION Federal Aviation Administration

Notice of Intent to Prepare an Environmental Assessment and Request for Public Scoping Comments for the Air Tour Management Plan Program at Death Valley National Park

AGENCY: Federal Aviation Administration (FAA)

ACTION: Notice of intent to prepare an Environmental Assessment and to request Public Scoping comments

SUMMARY: The FAA, with NPS as a cooperating agency, has initiated development of an Air Tour Management Plan (ATMP) for Death Valley National Park (DEVA), pursuant to the National Parks Air Tour Management Act of 2000 (Public Law 106-181) and its implementing regulations (14 CFR Part 136, Subpart B, National Parks Air Tour Management). The objective of the ATMP is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural resources, cultural resources, and visitor experiences of a national park unit and any tribal lands within or abutting the park. It should be noted that the ATMP has no authorization over other non-air-tour operations such as military and general aviation operations. In compliance with the National Environmental Policy Act of 1969 (NEPA) and FAA Order 1050.1E, an Environmental Assessment is being prepared.

The ATMP will be prepared using an Aviation Rulemaking Committee (ARC) process, as authorized under 49 U.S.C. § 106. The purpose of using the ARC process is to provide early advice, information, and recommendations from interested stakeholders to the FAA and NPS, regarding environmental and other issues to consider in the development of an ATMP. The DEVA ARC is composed of various representatives including air tour operators, federal, local and regional agencies, environmental organizations, local businesses, and the Timbisha Shoshone tribe. It is chaired by the Superintendent of Death Valley National Park.

In June 2009, the ARC held a two-day kickoff meeting at DEVA; minutes may be found at:

http://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/park_specific_plans/Death_Valley.cfm

The purpose of the kickoff meeting was for stakeholders to have the opportunity to provide advice, information, and recommendations to the FAA and NPS regarding environmental and other issues to consider in the development of an ATMP. Materials presented at the meeting included information on: park resources; the acoustical environment at DEVA; military operations over DEVA and the surrounding areas; current and historical air tour operations; and, a map of current air tour flight paths. Comments were received from members of the ARC regarding sensitive park resources, tribal concerns, changes in tourism patterns, and air tour operations. After a generalized map of current air tour flight paths was presented, ARC members made suggestions regarding options for an air tour flight track that would consolidate flight paths and modify elevations and flight locations. ARC members' recommendations attempted to address the concerns raised at the meeting. Refer to the Public Scoping Document (mentioned below) to see how these suggestions are incorporated into an air tour route.

Based on input received at the meeting, the FAA and NPS have decided to proceed with ATMP development at DEVA via the ARC process. The FAA is now inviting the public, agencies, and other interested parties to provide comments, suggestions, and input on the scope of issues and the identification of significant issues regarding commercial air tours and their potential impacts on natural, cultural, and historical resources. Input is also welcome on other areas to be addressed in the environmental process, such as past, present, and future actions (which, when considered with ATMP alternatives, may result in potentially significant cumulative impacts), and potential ATMP alternatives.

DATES: By this notice, the FAA is requesting comments on the scope of the environmental assessment for the ATMP at Death Valley National Park. Comments must be submitted by [insert date 30 days from date of publication in the Federal Register]

FOR MORE INFORMATION CONTACT: Keith Lusk—Mailing address: P.O. Box 92007, Los Angeles, California 90009-2007. Telephone: (310) 725-3808. Street address: 15000 Aviation Boulevard, Lawndale, California 90261. Email: Keith.Lusk@faa.gov.

Written comments on the scope of the Environmental Assessment should be submitted electronically via the electronic public comment form on the NPS Planning, Environment and Public Comment System at:

<http://parkplanning.nps.gov/projectHome.cfm?parkId=297&projectId=27781>, or sent to the mailing address or email address above.

SUPPLEMENTARY INFORMATION: A Public Scoping Document that describes the project in greater detail is available at:

- The NPS Planning, Environment and Public Comment System at:
<http://parkplanning.nps.gov/projectHome.cfm?parkId=297&projectId=27781>
- http://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/park_specific_plans/Death_Valley.cfm
- The following locations within Death Valley National Park: Furnace Creek Visitor Center & Museum, Stovepipe Wells Ranger Station, Scotty's Castle
- Shoshone Museum, Shoshone, CA
- Eastern Sierra Interagency Center, Highway 395 and Highway 136, Lone Pine, CA
- Beatty Library District, 400 North 4th Street, Beatty, NV
- Inyo County Free Library: 168 North Edwards Street, Independence, CA; 210 Academy Street and 110 North Main Street in Bishop, CA
- Pahrump Community Library: 701 East Street, Pahrump, NV
- Amargosa Valley Library: 829 East. Farm Road, Amargosa Valley, NV

Notice Regarding FOIA: Individuals may request that their name and/or address be withheld from public disclosure. If you wish to do this, you must state this prominently at the beginning of your comment. Commentators using the website can make such a request by checking the box "keep my contact information private." Such requests will be honored to the extent allowable by law, but you should be aware that pursuant to the Freedom of Information Act, your name and address may be disclosed. We will make all submissions from organizations, businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses available for public inspection in their entirety.

Issued in Hawthorne, CA on January 7, 2010.

Part 1: Introduction to the Project

A. National Parks Air Tour Management Act of 2000

The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS) has initiated development of an Air Tour Management Plan (ATMP) for Death Valley National Park (DEVA), pursuant to the *National Parks Air Tour Management Act of 2000 (NPATMA)*. The *NPATMA* and its implementing regulations (Title 14, Code of Federal Regulations [CFR] Part 136) require the FAA and NPS to develop an ATMP for each unit of the national park system or tribal land that does not have a plan in effect at the time an operator applies for FAA authority to conduct commercial air tours. The objective of an ATMP is to develop acceptable and effective measures to mitigate or prevent significant adverse impacts, if any, of commercial air tour operations upon natural and cultural resources, visitor experiences, and tribal lands.

The *NPATMA* applies to any person who conducts a commercial air tour operation over a unit of the national park system, over tribal lands that are within or abutting a unit of the national park system, or over any area within ½ mile outside a unit of the national park system. A commercial air tour operation is defined as a flight conducted for compensation or hire in a powered aircraft where the purpose of the flight is sightseeing, during which the aircraft flies below a minimum altitude of 5,000 feet above ground level (AGL).

Several steps are required for the development and implementation of an ATMP. First, the FAA and NPS will prepare a draft environmental assessment (EA) for public review of various alternatives for the ATMP, as required by NEPA. If no significant environmental impacts are identified, the FAA in cooperation with the NPS will prepare a Finding of No Significant Impact (FONSI) and Record of Decision (ROD). The ROD will identify a preferred alternative for the ATMP. Next the agencies will develop the ATMP, which will identify specific measures and conditions applying to air tour operations for DEVA, based on the preferred alternative. The ATMP may include the conditions for conducting commercial air tour operations and other administrative requirements, such as transferability or termination of Operating Authority, handling requests for increase in Operating Authority, new entrant procedures, reporting requirements, etc. The last step in the process is FAA rulemaking, to establish enforceable rules for implementing the ATMP.

At DEVA, seven air tour operators have received interim operating authority (IOA) from the FAA (Table 1). In order to determine IOA, each existing operator was required by 14 CFR Part 136 to report the greater of (a) the number of commercial air tour operations conducted during the 12-month period preceding NPATMA or (b) the average number of commercial air tour operations conducted by the operator during the 3-year period preceding NPATMA. Air tour operators can fly up to their IOA level annually. IOA terminates 180 days after an ATMP has been established for the park. The number of existing operations reported by each operator represents the IOA.

Table 1. Air Tour Operators with Interim Operating Authority to conduct air tours at Death Valley National Park.

Existing Operators with IOA	Flights Per Year under IOA
Courtney Aviation	4
Heli USA Airways	6
King Airlines	12
Las Vegas Helicopters	12
Maverick Helicopters	15
Papillon Airways	12
Sundance Helicopters	6

B. ATMP Development and the NEPA Process

The NPATMA and 14 CFR Part 136 specifically require that the environmental impacts of an ATMP be assessed under the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations (40 CFR Parts 1500-1508). The assessment of commercial air tour operations on units of the national park system is different in many respects from other aviation assessments. Air tour aircraft operations differ from the average national air transportation system operations, occurring in most cases seasonally, and only during daylight hours. Air tour aircraft are by nature flying low for sightseeing purposes, and in national parks are operating relatively close to the ground in low ambient noise environments. These factors require specialized noise assessment. The assessment of visual effects is more rigorous when aircraft are in closer visual range of ground visitors in national parks and there is more potential for intrusion on scenic views. Depending on the environment to be viewed air tour aircraft may also fly at higher altitudes to get a more panoramic perspective. For all these reasons, this assessment of commercial air tour operations over park units is highly specialized and is not applicable to other types of environmental impact analysis.

The FAA and NPS have determined that an environmental assessment (EA) will be initiated for the DEVA ATMP. For the purposes of complying with NEPA regulations, the FAA is the lead agency, and the NPS is a cooperating agency. Under NPATMA both the FAA Administrator and NPS Director shall each sign the environmental decision document.

Per FAA legislation under 49 USC 106, FAA and NPS have decided to use an Aviation Rulemaking Committee (ARC) process to facilitate development of an ATMP for DEVA. The purpose of using the ARC process is to facilitate ATMP development by getting early input and guidance from parties most knowledgeable about the park and its air tours. The ARC's early input will help the agencies identify key issues and essential elements of an ATMP for DEVA. The DEVA ARC is composed of various stakeholders including air tour operators, federal, local and regional agencies, environmental organizations, local businesses and the Timbisha Shoshone tribe (Table 2). It is chaired by the Superintendent of the Park. In addition to the early input, the DEVA ARC provides a venue and process for collecting stakeholder input throughout the development of the ATMP, associated NEPA documents, and final rulemaking.

In June 2009, the ARC held a two-day kickoff meeting at DEVA (see Table 2 for organizations represented at the meeting); minutes may be found at:

http://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/park_specific_plans/Death_Valley.cfm.

Table 2. Complete list of organizations represented, or invited to be represented, on the Aviation Rulemaking Committee

Organization	Represented at Kickoff Meeting?
National Park Service: Death Valley National Park (Superintendent is Chair), and Natural Sounds Program	Yes
Federal Aviation Administration: Western-Pacific Region, Part 135 Air Carrier Operations Branch, National Air Tour Safety Office	Yes
Timbisha-Shoshone Tribe	No*
China Lake Naval Air Warfare Station	Yes
National Parks Conservation Association	Yes

Organization	Represented at Kickoff Meeting?
Sierra Club Desert Committee	No**
Nye County Department of Planning	No
Forest Service Interagency Visitor Center	Yes
Beatty (NV) Chamber of Commerce	Yes
Scenic Airlines	Yes
Xanterra Parks and Resorts- Furnace Creek Inn and Ranch Resort	Yes
Panamint Springs Resort	No**
King Airlines, Inc.	Yes
Las Vegas Helicopters, Inc.	Yes
Maverick Helicopters, Inc.	Yes
Papillon Airways, Inc.	Yes
Sundance Helicopters, Inc.	Yes
Courtney Aviation, Inc.	No*
<i>Listed below are organizations who were sent but declined or ignored an ARC membership invitation</i>	
Heli USA Airways, Inc.	n/a
Sierra Club and Audubon Society (Lone Pine, CA)	n/a
Owenyo Services/Lone Pine Airport	n/a
The Wilderness Society	n/a

* These two organizations accepted the invitations for membership in the ARC, but did not attend the kickoff meeting; however, both sent letters that were read aloud at the meeting.

**These organizations did not attend the kickoff meeting because they were not issued invitations to participate in the ARC until after the kickoff meeting had taken place (their participation was, in fact, recommended during or after the meeting).

The purpose of the kickoff meeting was to give stakeholders the opportunity to provide advice, information, and recommendations to the FAA and NPS regarding environmental and other issues to consider in the development of an ATMP. Materials presented at the meeting included information on: park resources; the acoustical environment at DEVA; military operations over DEVA and the surrounding areas; current and historical air tour operations; and, a map of current air tour flight paths. Comments were received from members of the ARC regarding sensitive park resources, tribal concerns, changes in tourism patterns, and air tour operations. After a generalized map of current air tour flight paths was presented, ARC members made suggestions regarding options for an air tour flight track that would consolidate flight paths and modify elevations and flight locations. ARC members' recommendations attempted to address the concerns raised at the meeting. These suggestions are incorporated in the route shown in Figure 1.

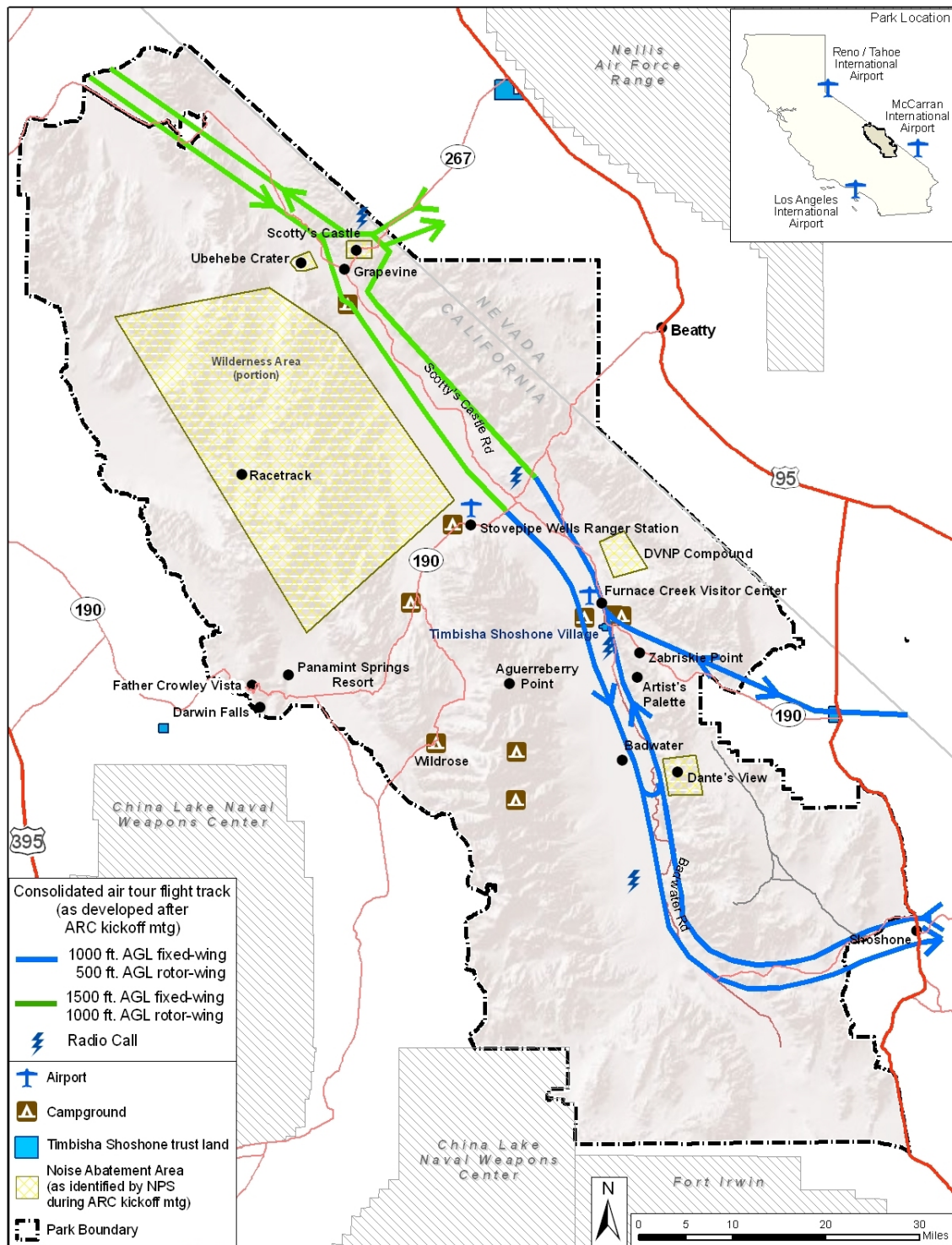


Figure 1. Consolidated air tour flight track, as developed after ARC kickoff meeting.

The FAA and NPS are now inviting the public, agencies, and other interested parties to provide comments, suggestions, and input regarding the DEVA ATMP. Generally speaking, the agencies would like to know about any concerns or ideas the public has regarding commercial air tour operations at DEVA and their management. A question to consider when providing input include: Are there any significant issues the agencies need to consider during the planning process, such as potential impacts on natural, cultural, and historic resources?

Instructions for submitting comments may be found in the Notice of Intent, provided at the beginning of this scoping packet.

After considering input from the ARC and the public scoping process, the FAA in cooperation with the NPS will prepare an EA for public review and comment. If, after finalizing the EA, no significant impacts are found, a FONSI and a ROD will be prepared.

Additional information on the ATMP Program in general and the DEVA ATMP is available on the FAA's ATMP website at:

http://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/

Interested parties may request information regarding the development of the ATMP for DEVA, as well as other parks' ATMPs, on this website.

***** End Part 1 *****

Part 2: Setting

A. Introduction

This section describes the setting for the DEVA ATMP project. Descriptions of the park's natural and cultural resources, visitor experiences, and current commercial air tour activity are provided to assist the public and other interested parties in preparing meaningful comments. The most useful comments are those that address the scope of analysis, present significant issues, and suggest reasonable alternatives or comments on the preliminary alternatives with the greatest specificity possible.

The National Parks Air Tour Management Act limits applicability of the ATMP to operations conducted within DEVA and the area within ½ mile of its boundary. Although the scope of authority is limited, the FAA recognizes its responsibility under applicable environmental laws to consider impacts on potentially affected resources located in the vicinity of DEVA but in excess of ½ mile outside the boundary of the park.

B. Death Valley National Park:

DEVA, the largest national park in the lower 48 states, includes 5,282 square miles of deep valleys and narrow mountain ranges in the Mojave Desert of California and Nevada (Figure 2). Approximately 3.1 million acres, or over 90% of the park, is designated wilderness. The park is best known for its forbiddingly hot, dry climate and for its extreme topography, which includes the lowest elevation in North America (282 feet below sea level). The park was converted from a national monument to a national park in 1994, at which time its size was increased by over 50%. In 2000, a portion of the park was returned to the Timbisha Shoshone Tribe.

DEVA can be reached from Las Vegas by car in approximately 2 hours and from Los Angeles in approximately 4 hours. Private planes can fly into the airport at Furnace Creek or the airstrip at Stovepipe Wells. It is visited by over one million people each year. Bus tours make August the park's busiest month.

Geology and Hydrology

Visitors are primarily drawn to Death Valley for its spectacular and unusual landscapes, caused by a combination of geologic events and the fact that rain rarely reaches the area. Key natural features include:

- Enormous salt flats, left behind when huge glacial-era lakes evaporated
- Sand dunes over 700 feet high
- Ubehebe Crater, caused by a natural steam explosion
- The mysterious Racetrack, where isolated cobblestones creep across a dry lakebed
- Darwin Falls, a rare waterfall in the desert
- Famous vistas, including Dante's View, Father Crowley Vista, Zabriskie Point, Artist's Drive, and Aguerberry Point

Many of these features resulted from the region's geologically recent uplift and stretching, caused by heat deep under the continental crust. Together these motions have created a series of north-south trending valleys separated by high, narrow mountain ranges. At the end of the glacial era, meltwater accumulated minerals in these valleys; when the lakes dried up, the minerals were left behind as huge evaporite beds.

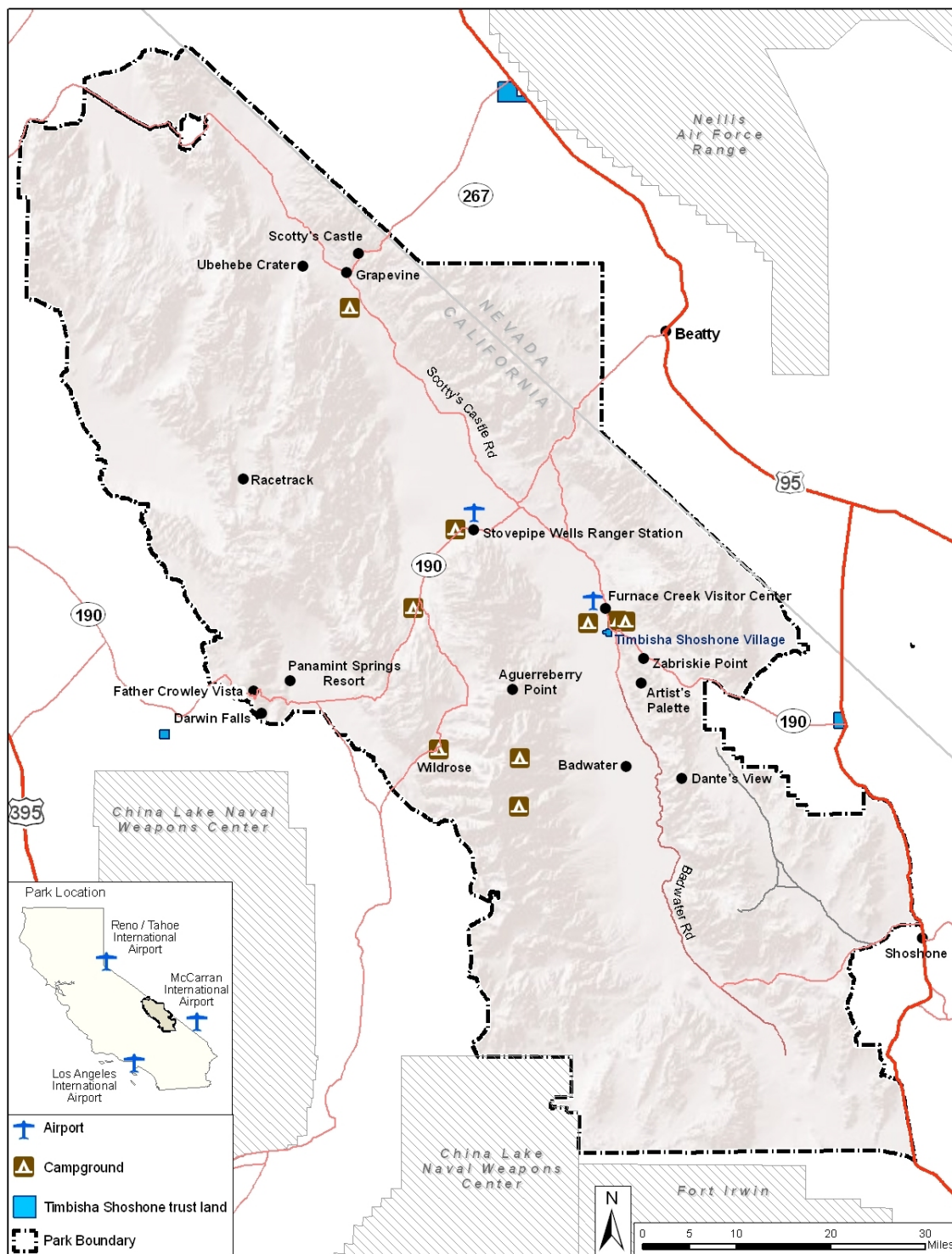


Figure 2. Map of Death Valley National Park showing general location and features.

Vegetation and Wildlife

Plant communities in the park are diverse, mixing influences of surrounding desert areas with arctic/alpine biota at high elevations. The major vegetation types are scrub, desert woodland, and coniferous forest. The park contains 114 special-status plant species, including two federally endangered plants.

The park supports a wide range of wildlife species, but population densities are limited due to the need for water, cover, and food sources. Large browsing animals, such as bighorn sheep, deer, and elk, live in upper elevations while lower, sparsely vegetated elevations support reptiles, coyotes, and small mammals. Over-grazing by feral burros is an ongoing challenge. The park is home to 57 special status animal species, including the federally endangered pupfish, least Bell's vireo, and Southwestern willow flycatcher, and the federally threatened desert tortoise.

Cultural Resources: Archaeological and Historic Sites

Human history in the Death Valley area began about 7,000 years ago when hunter-gatherers first arrived. At that time the climate was milder and large game was plentiful. New groups arrived and displaced these people while the climate grew hotter and drier; these occupants left evidence of skilled handicrafts, including petroglyphs.

For the last thousand years or more, the Timbisha Shoshone people have lived in and around Death Valley, migrating with the seasons, hunting game and gathering mesquite beans and pinyon pine nuts. The Timbisha, whose name means "red rock face paint," use red paint in ceremonies that celebrate the earth, from which the tribe gets its strength. The Timbisha Shoshone way of life was changed forever when the latest group of people arrived in 1849: EuroAmericans, lost on their way to the gold fields. For 150 years, the Timbisha endured in the area, displaced but not gone. In the 1930s, a small Timbisha Shoshone village was built south of Furnace Creek. In December 2000, 7,700 acres of traditional lands, approximately 300 of which are in the Park, were restored to the Timbisha Shoshone tribe..

Memoirs of the '49ers brought outside attention to Death Valley, and by the 1880s evaporite ores were being mined and processed on a large scale. Although attempts to mine precious metals largely failed, the valley became the world's primary source of borax. Mining brought short-lived boom towns, scams, and wild legends to the area and left a series of hazardous mine shafts dotting the landscape. The 1920s saw tourists building private homes or coming to the Pacific Borax Company's new Furnace Creek resort to enjoy curative properties of natural springs. The largest private ranch is now known as Scotty's Castle and has become a major attraction in the park.

This history has left an assemblage of archaeological and historic resources scattered through the park, less than five percent of which has been systematically surveyed. Remnants of the mining era (which ended in 2005) are relatively well known, but it is presumed that the majority of archaeological data remains to be discovered. The park currently has seven sites listed on the National Register of Historic Properties, mostly related to mining.

Ground-based Visitor Experience

The park provides a wide range of facilities to interested visitors. Visitor centers at Furnace Creek and Scotty's Castle include interpretive displays and staffed information desks. Guided tours are provided at the Castle and ranger programs offered at Furnace Creek. Staffed information stations operate year-round at Stovepipe Wells.

Roads developed by early miners and ranchers provide easy car access to popular sites and to more remote locations. Most visitor destinations are natural formations and vistas, but one indoor destination includes Scotty's Castle. The park maintains nine campgrounds, many of them wheelchair accessible. A commercial resort operates Furnace Creek Inn and Ranch and more modest lodging at Stovepipe Wells.

According to the NPS Public Use Statistics Office, DEVA received approximately 700,000 to 900,000 annual visitors between 2002-2008. In 2008, DEVA received just under 872,000 visitors. Approximately 22% of visitors stayed overnight, the majority of who (75%) occupied campgrounds with the remaining overnight visitors occupying concessioner lodging. While the Park recommends visitation during the cooler winter and spring months, visitation reports indicate the highest visitation rates in 2008 occurred during the months of March, July, August, and September. Most visitors arrive by private vehicles or commercial tour buses and many tour the backcountry by four-wheel drive vehicles.

C. Commercial Air Tour Activity and Air Tour Visitor Experience

Seven air tour operators currently provide commercial air tours over and within ½ mile of DEVA. As of January 23, 2003, these seven operators have had Interim Operating Authority (IOA) to conduct a maximum total of 67 tours annually. In recent years, less than 67 tours have been conducted annually due to a variety of economic and other factors.

All existing commercial air tour operations at DEVA are certificated by the FAA in accordance with the requirements of Title 14 CFR Part 135. National safety standards governing commercial air tours are included in Title 14 CFR Part 136 (see Federal Register 6884-6914 February 13, 2007).

The majority of commercial air tour operations flying over DEVA currently originate from Las Vegas' McCarran International Airport. A minority of commercial air tours flying over DEVA also originate from the Sacramento Area and the Reno/Tahoe International Airport in Reno, NV. Current commercial air tour flight tracks over the park are presented in Figure 3; current commercial air tours fly at varying altitudes over the park.

The air tour visitor experience varies depending on weather conditions and the desires of the air tour client (i.e., length of flight, geographic features of special interest, etc.). However, the primary attractions for air tour visitors would be Badwater, Scotty's Castle, Ubehebe Crater, the Racetrack, and the rugged expanse and geologic features of the park. Since most of the operators fly some distance in from Las Vegas, a stop at Furnace Creek to refresh is a common offering by most operators. This also allows passengers the unique experience of flying and landing below sea level.

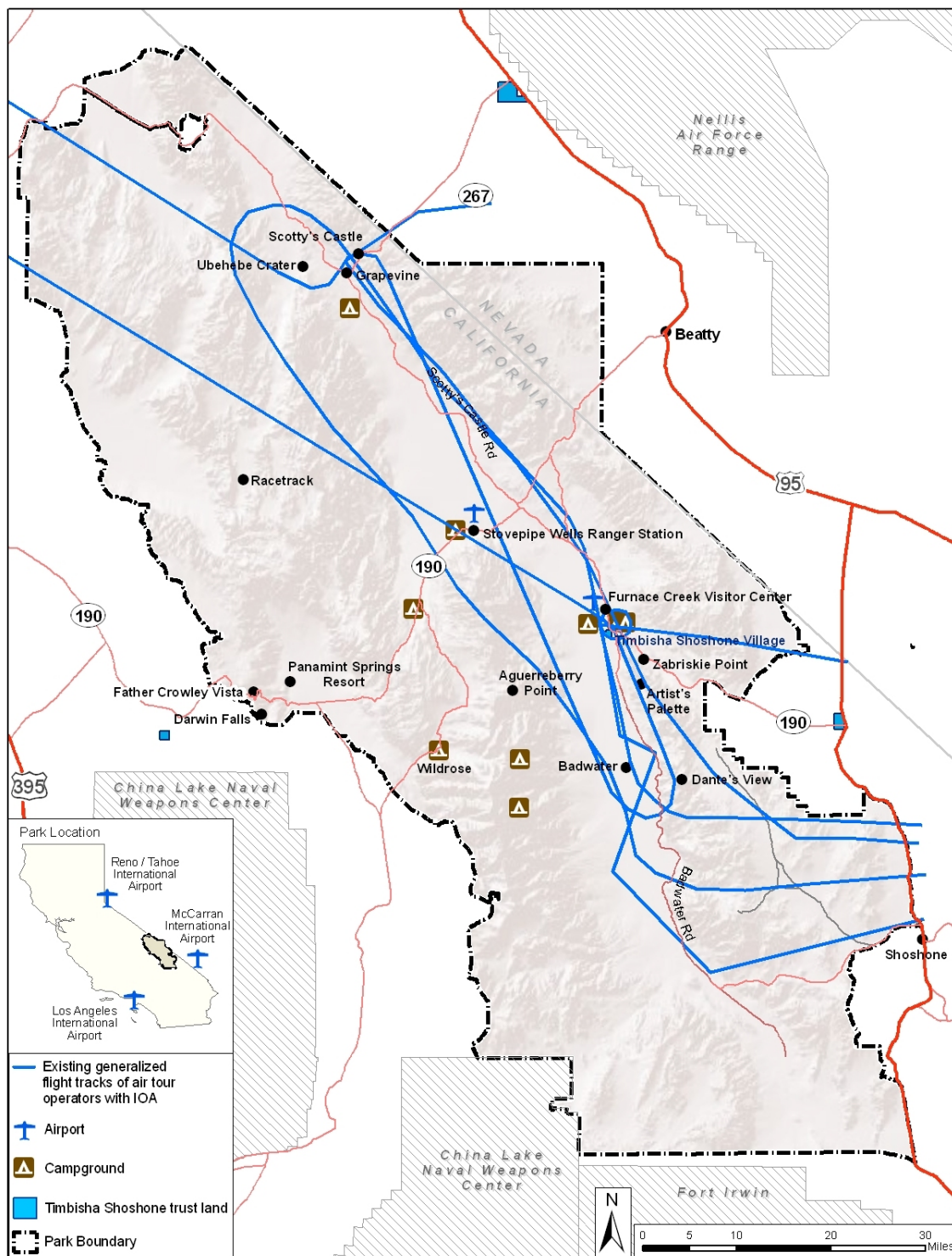


Figure 3. Existing air tour flight tracks. (Source: FAA)

***** End Part 2 *****

Part 3: Federal Action and Alternatives

A. Federal Action

The proposed federal action is the establishment of an ATMP at DEVA in accordance with 14 CFR Part 136. The alternative selection will be based on adequate justification and will include any measures that are necessary to mitigate or prevent significant adverse impacts of commercial air tour operations, if any, on DEVA's natural and cultural resources and visitor experiences.

The ATMP will only apply to the airspace below 5,000 feet (ft) above ground level (AGL) over the area encompassed by the park and the ½ mile buffer zone surrounding the park boundary. The ATMP applies to all commercial air tour operations in this airspace, unless, for the purposes of safe operation of an aircraft as determined under the rules and regulations of the FAA, the pilot-in-command is required to take action to ensure the safe operation of the aircraft.

The purpose and need of this project are compliance with *NPATMA*, which directs the FAA and NPS to establish an ATMP for any national park or tribal lands for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The need to develop an ATMP at DEVA was triggered by statutory language in *NPATMA* that required the development of an ATMP for parks where commercial air tour operators applied for operating authority to conduct operations.

The environmental decision to be made is the selection of an ATMP alternative for DEVA. Once completed, the ATMP will be incorporated either directly or by reference into Title 14, Code of Federal Regulations, Part 136, National Park Air Tour Management. Appropriate actions will be taken to implement the selected ATMP alternative, in compliance with the existing legislative, regulatory, and policy mandates of both agencies.

NPATMA specifies that the ATMP be developed by means of a public process. This scoping process is one of the elements of that public process. A specific proposed action alternative will be identified in the Draft EA, following scoping and following the completion of a comprehensive environmental impact analysis. The Draft EA will be made available for public review and comment.

B. Alternatives Development

The alternatives are the “heart” of the NEPA process and must meet the *NPATMA* objective to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources and visitor experiences at DEVA.

The FAA and NPS have identified general reasonableness criteria that each ATMP alternative should: (1) be safe, (2) satisfy the Purpose and Need, (3) be technically and economically feasible, (4) minimize or prevent significant impacts to park resources and values and (5) avoid repeating actions in other alternatives. As required by NEPA and CEQ regulations, the “No Action Alternative” must also be evaluated. FAA and the NPS have agreed that “no action” for purposes of developing an ATMP is “no change” from current management direction or level of management intensity, as recommended in CEQ Guidance. Therefore, the No Action Alternative for DEVA will be an ATMP that codifies current and existing conditions at the IOA level of annual operations. Figure 3 shows existing typical flight tracks and operating altitudes over and within ½ mile of DEVA's boundary. Therefore, under the No Action Alternative, air tour operators would fly existing flight tracks. Commercial air tour operations over DEVA would be required to comply only with existing applicable Federal Aviation Regulations.

In addition to these criteria, the *NPATMA* and implementing regulations at 14 CFR Part 136 state that the ATMP for a park:

- May prohibit commercial air tour operations within ½ mile outside the boundary of a national park.

- May establish conditions for the conduct of commercial air tour operations, including, but not limited to, commercial air tour routes, maximum number of flights per unit of time, maximum and minimum altitudes, time of day restrictions, restrictions for particular events, intrusions on privacy on tribal lands, and mitigation of noise, visual, or other impacts.
- Shall apply to all commercial air tour operations within ½ mile outside the boundary of a national park.
- Shall include incentives (such as preferred commercial air tour routes and altitudes, relief from caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations at a park.
- Shall provide for the initial allocation of opportunities to conduct commercial air tour operations if the plan includes a limitation on the number of commercial air tour operations for any time period.
- Shall justify and document the need for measures taken pursuant to the items above.

At the conclusion of the scoping process, the FAA and NPS will develop alternatives to be carried forward for evaluation in the environmental assessment. The public will have an opportunity to view the alternatives and their analysis when the Draft EA is distributed for public review and comment.

***** **End Part 3** *****

Part 4: References

Amargosa Valley Library (<http://www.amargosalibrary.com/>)

Federal Aviation Administration (FAA), *Air Tour Management Program*
(http://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/)

Friends of Panamint Valley (<http://www.fopv.org/default.htm>)

Inyo County Free Library (http://www.inyocounty.us/library/Branch_Libraries.asp)

National Park Service (NPS), *Death Valley* (<http://www.nps.gov/deva>)

NPS Public Use Statistics Office (<http://www.nature.nps.gov/stats/>)

NPS (2002), *General Management Plan*.

NPS (2005), *Long Range Interpretive Plan*.

Pahrump Community Library (<http://www.pahrumplibrary.com/>)

The Sierra Web, *Native People of Death Valley—The Timbisha Shoshone Tribe*
(<http://www.thesierraweb.com/deathvalley/nativepeople.cfm>)

US Geological Survey (USGS), *Geology of the National Parks: Death Valley*
(<http://geomaps.wr.usgs.gov/parks/deva/index.html>)

USGS, *Death Valley National Park Virtual Geology Field Trip*
(<http://www.nature.nps.gov/geology/usgsnps/deva/devaft.html>)

***** End Part 4 *****

***** End of Document *****