

# **FINAL AIR TOUR MANAGEMENT PLAN CANYON DE CHELLY NATIONAL MONUMENT**

## **SUMMARY**

This Air Tour Management Plan (ATMP) provides the terms and conditions for commercial air tours conducted over Canyon de Chelly National Monument (Park) pursuant to the National Parks Air Tour Management Act (Act) of 2000.

## **1.0 INTRODUCTION**

The Park is located entirely on lands held in trust by the United States for the Navajo Nation. The Act requires that commercial air tour operators conducting or intending to conduct commercial air tours over a unit of the National Park System apply to the Federal Aviation Administration (FAA) for authority before engaging in that activity. The Act further requires that the FAA in cooperation with the National Park Service (NPS) establish an ATMP for each National Park System unit for which one or more applications has been submitted, unless that unit is exempt from this requirement.<sup>1</sup>

Under the Act, the FAA was required to grant Interim Operating Authority (IOA) for commercial air tours over the Park and adjacent Tribal lands that are outside of the Park but within ½-mile of its boundary as a temporary measure until an ATMP could be established. IOA does not provide any operating conditions (e.g., routes, altitudes, time of day, etc.) for air tours other than an annual limit. IOA for this Park was published in the Federal Register (FR) on October 7, 2005 (70 FR 58,778).

On November 2, 2017, the NPS notified the FAA that an ATMP was necessary to protect Park resources and values and withdrew the exemption for the Park.

The objective of this 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 Park's natural and cultural resources, visitor experiences, and Tribal lands. Because the Park is located entirely on lands held in trust by the United States for the Navajo Nation, the Park's resources and values consist primarily of Navajo Nation cultural resources, including archaeological sites, sacred sites, ancestral sites, cultural landscapes, cultural and ceremonial practices, and traditional cultural properties; related natural resources; and the privacy interests of the Navajo Nation residents living within the ATMP boundary.

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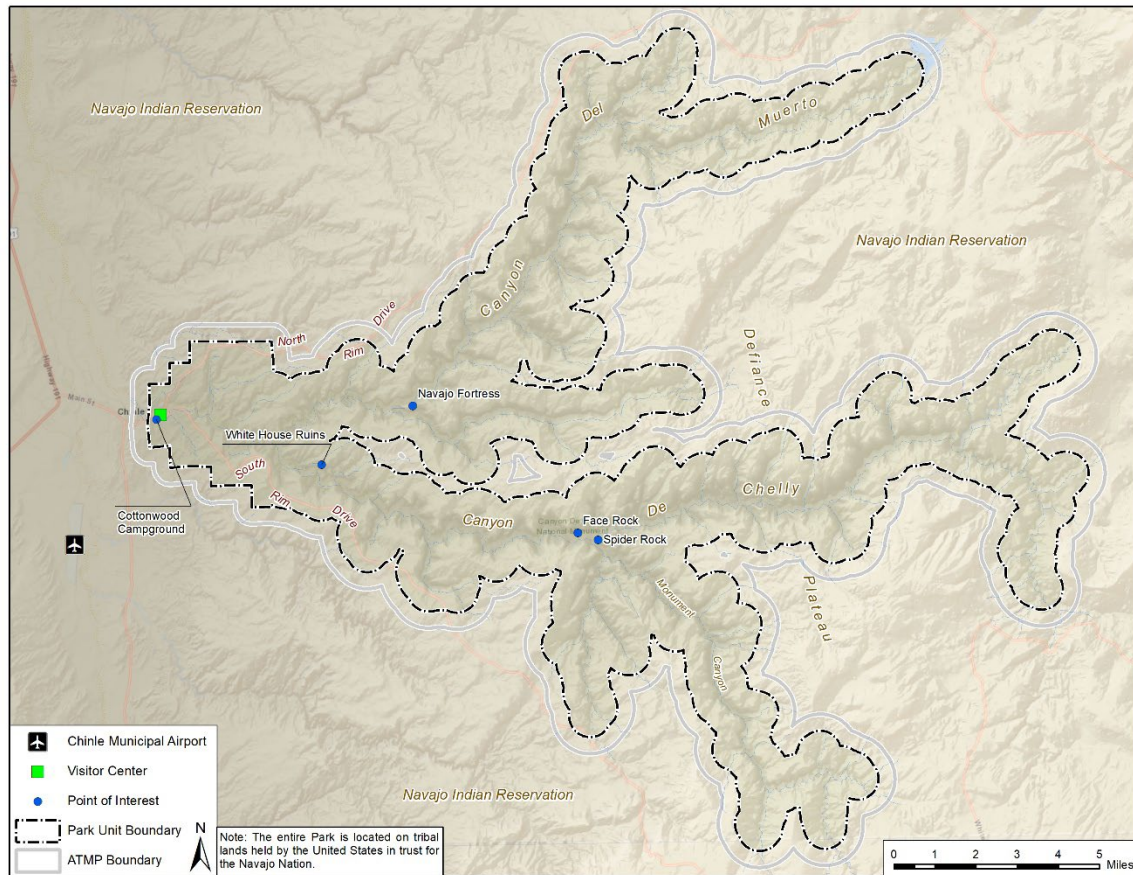
<sup>1</sup> The Act provides an exemption to the ATMP requirement for parks with 50 or fewer commercial air tour operations each year unless the exemption is withdrawn by the Director of the NPS. *See* 49 U.S.C. § 40128(a)(5). As an alternative to an ATMP, the agencies also have the option to execute voluntary agreements with all operators operating at any of the parks.

## 2.0 APPLICABILITY

This ATMP applies to all commercial air tours over the Park and commercial air tours within ½ mile outside the boundary of the Park, including any Tribal lands within that area, as depicted in Figure 1 below. A commercial air tour subject to this ATMP is any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over the Park, or within ½ mile of the Park boundary, during which the aircraft flies:

- (1) Below 5,000 feet above ground level (except solely for the purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the FAA requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or
- (2) Less than one mile laterally from any geographic feature within the Park (unless more than ½-mile outside the Park boundary).

*See* 14 CFR § 136.33(d). The area subject to the ATMP is also referred to as the area within the ATMP boundary.



**Figure 1.** Map of the area subject to the ATMP for Canyon de Chelly National Monument. Appendix A includes an enlarged Figure 1.

## 2.1 Park Overview

The Park consists of approximately 84,000 acres in northeastern Arizona within the Defiance Plateau on Tribal lands held by the United States in trust for the Navajo Nation. Generations of Navajo have lived in Canyon de Chelly, Canyon del Muerto, and Monument Canyon, and a community of approximately 500-600 people of the Navajo Nation reside along the canyon floors and rim areas where they maintain homes, farms, and traditional grazing lands. The Hopi and other modern Pueblo Tribes are culturally associated with Canyon de Chelly and its former ancestral inhabitants. The purpose of the Park, as stated in its Foundation Document, is to maintain and preserve an outstanding concentration of archaeological resources, representing thousands of years of continuous occupation and agriculture, as well as other features of scientific, historical, and educational interest. The canyon preserves resources of sacred significance and perpetuates lifeways of past and present cultures ancestrally connected to these landscapes.

Canyon de Chelly National Monument within the Navajo Indian Reservation was established by Presidential Proclamation #1945 on April 1, 1931 (47 Stat. 2448) with the consent of the Tribal Council of the Navajo Tribe of Indians and authorization of the United States Congress. Congress charged the NPS with the administration of the area of national monument, “so far as it applies to the care, maintenance, preservation and restoration of the prehistoric ruins, or other features of scientific or historical interest within the area.” However, Congress also provided that the legislation authorizing the establishment of the monument shall not “be construed as in any way as impairing the right, title, and interest of the Navajo Tribe of Indians which they now have and hold to all lands and minerals, including oil and gas, and the surface use of such lands for agricultural, grazing, and other purposes, except” for the NPS legislatively defined role and responsibilities.

In addition to the NPS’s Organic Act that applies to resources within the Park, the Navajo Nation has enacted legal protections that apply to the Park. Resolution of the Resources Committee of the Navajo Tribal Council, 1985 (RCS-51-85) – established a protection zone within the boundaries of the Park to protect its resources from activities and developments deemed to be a threat or an adverse impact until a joint management plan between the Navajo Nation, Bureau of Indian Affairs, and the NPS could be developed. That Resolution also established a moratorium on new construction and development within the Park’s boundary. The Navajo Nation Cultural Resources Protection Act of 1988 (Navajo Nation Code, Title 19) – Section 1011 requires all cultural properties on Navajo lands, including those in the National Park System, to be included in the Navajo Nation Register of Cultural Properties.

In 2018, the Navajo Nation, the NPS and the Bureau of Indian Affairs entered into a Strategic Agreement for the Cooperative Stewardship of Canyon de Chelly. The parties to the Strategic Agreement recognized that Canyon de Chelly remains the Navajo Nation’s Tribal trust lands, over which the Navajo Nation has sovereign authority. The

NPS manages the Canyon de Chelly National Monument under federal authority. The Navajo Nation retains authority, in accordance with Navajo Nation and federal law regarding trust assets. In the Strategic Agreement, the parties agreed “[t]o respectfully share stewardship of the Canyon values and to protect and preserve its beauty, resources and culture for the future – Hozho Dooleef.” The Strategic Agreement outlined key management roles and responsibilities for the administration of Canyon de Chelly pursuant to existing policies, statutes and regulations. A joint/co-management plan by the Navajo Nation and the NPS is currently underway.

The NPS honors its unique nation-to-nation relationship regarding decisions affecting the Park, particularly because the Park is located on trust lands. The NPS is entrusted with the management of over 85 million acres of federal lands and waters that are the ancestral homelands of Indian and Alaska Native Tribes, and Native Hawaiians that predate the National Park System. As stewards, the NPS is entrusted to conserve these resources for future generations, including resources, sites, and vistas that hold significance to Indigenous peoples who have lived on and cared for the land since time immemorial. The NPS recognizes and supports the unique, nation-to-nation relationship that exists with the Navajo Nation that is based in the U.S. Constitution, treaties, statutes, and judicial decisions. In managing the Park, the NPS is required to honor its trust responsibilities to protect Tribal interests, pursue an open and collaborative relationship with the Navajo Nation, and provide for the continuation of the cultural and spiritual practices of the Navajo people.

The NPS identified five statements of significance for the Park, or statements explaining why the Park’s resources and values are important enough to merit designation as a unit of the National Park System, in the Park’s Foundation Document. Those statements include Relationships, Cultural Continuity, and Cultural Resources.

Cultural Continuity refers to the fact that the Park “...preserves one of the longest continually inhabited locations by American Indian communities in the United States, spanning at least 5,000 years. Tséyi’, the place within the rock, sustains a living community connected to a landscape of great historical and spiritual significance—a landscape composed of places infused with collective memory and defining moments in Navajo history. It is essential to the spiritual and traditional lives and cultural identity of many native peoples.”

Cultural Landscapes, Continuing Cultural Connections, Experience of Place, and Partnerships and Relationships are among the Park’s fundamental resources and values identified in its Foundation Document. As the Park’s foundation document explains, “Canyon de Chelly is fundamentally linked to the cultural practices and beliefs of the Navajo and other traditionally associated groups and is central to the perpetuation of their respective cultural identities.” It notes that “[s]pecific places and natural features (e.g., Spider Rock, Fortress Rock, and celestial features) are physical expressions of the defining stories and events in the history of the Navajo people and retain profound spiritual and sacred significance.” It further recognizes that “[f]or the Navajo people

(Diné), Canyon de Chelly (Tséyi') is a physical and spiritual home that sustains the families who live in the canyons as well as a sacred place connecting all Navajo to their cultural heritage and beliefs. Canyon de Chelly also has enduring cultural importance for the other regional native peoples whose ancestors once occupied the canyons." Consistent with these fundamental resources and values, the NPS prohibits visitors from entering the canyons of Canyon de Chelly National Monument unless accompanied by NPS employees or by authorized guides. 36 CFR § 7.19.

The most significant cultural and natural resources within the ATMP boundary include archaeological sites, Tribal sacred sites, traditional cultural properties, and ancestral sites, many of which are listed in National Register of Historic Places (National Register) or are eligible for listing. The Park's archaeological resources provide evidence of occupation through the Archaic, Basketmaker, and Puebloan periods. Many of the sites are cliff dwellings containing large amounts of dry, cultural debris. In addition, 18th, 19th and 20th century A.D. sites of Navajo occupancy remain in the Park. The archaeological resources within the Park make up one of the most important and extensive archaeological landscapes in the Southwest, expanding over the past 5,000 years. Archaeological inventories have resulted in the identification of approximately 1,600 sites throughout the Park, some of which may be considered traditional cultural properties by Tribes. Pre-Columbian archaeological sites are a source of spiritual, sacred power to the Navajo people. Offerings are made at these sites, and oral histories (of the people, of ceremonies, of clans) refer to these places. The White House ruins and Spider Rock are two archaeological sites and traditional cultural properties within the Park that are still used in ceremony for the Diné people. Both sites are eligible for inclusion in the National Register because of their ancestral connection with cultural practices or beliefs that are rooted in various Southwestern Native American histories and because they are important in maintaining cultural identity.

Today, the Park continues to be occupied by Navajo families who farm and have livestock operations within the canyons, carrying on their traditional practices. Approximately 80 Navajo families live in and around the monument or over six hundred individuals live in the canyon community. This community is one of the longest, continually inhabited Native American communities in the United States.<sup>2</sup>

Visitors can tour the Park's canyons only by hiking, horseback or vehicle with an authorized Navajo guide and after obtaining a backcountry permit from the Navajo Nation's Parks and Recreation Department and the NPS. However, visitors may take a self-guided hike to the White House Overlook and Trail (currently closed due to safety and law enforcement concerns), and scenic drives along the north and south rim from which visitors can access overlooks open year-round and experience expansive views of high desert mesas, vegetation, dark night skies, and distant mountains.

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<sup>2</sup> Letter from the Navajo Nation President to FAA and NPS, April 11, 2023

The Park's Foundation Document recognizes that "[a] strong ethic of stewardship for protecting the canyons and the natural world permeates everyday life and is passed on from Navajo elders to younger generations." The Park's natural resources include those that are a result of geological processes of uplift and erosion that have exposed the Park's colorful red cliffs of the de Chelly sandstone which rise from the wash to heights of up to 1,200 feet and contribute to the scenic values of the Park. Towering spires of erosion-resistant sandstone and cap-rock (such as Spider Rock and Face Rock) rise from the canyon floor. Dependable water from springs and seeps, and streams originating from the Chuska Mountains, eventually reach Chinle Wash. Water and the rich soils of the canyons support a variety of native and introduced plants and animals that have sustained canyon residents for thousands of years. A variety of avian species may be found within the Park, including raptors and migratory birds. Species potentially affected by overflights include three federally listed threatened species – the Mexican spotted owl, southwestern willow flycatcher, and yellow-billed cuckoo.

The following Park management objectives relate to the development of this ATMP:

- Preserve one of the longest continually inhabited Native American communities in the United States by protecting residents' right to privacy on their homesites and land use areas and limiting disruption and noise for Tribal residents who live on Tribal trust lands within the Park with a livelihood through agriculture, livestock grazing, and tourism.
- Protect the cultural landscape of the Park as evidenced by prehistoric, historic, and contemporary land uses adapted to the natural environment of the canyons. The Park has sacred cultural and spiritual value for the Diné. This includes specific places and natural features (e.g., Spider Rock, Navajo Fortress, and celestial features) that are physical expressions of the defining stories and events in the history of the Navajo people and retain profound spiritual and sacred significance. Provide outstanding opportunities to study and contemplate the intimate relationships between the land and people of the Park.
- Protect individuals and populations of wildlife species known to be sensitive to the effects of aircraft overflights, primarily migratory birds, and the federally listed Mexican spotted owl.
- Protect visitors' and Navajo residents' opportunities to experience quiet and solitude in a remote natural setting, and to hear and enjoy natural sounds with minimal interference due to noise.
- Protect the remarkable scenic views of the Park's colorful sandstone cliffs, canyons, and rock towers set against a backdrop of ancient cliff dwellings and Navajo communities.

### **3.0 CONDITIONS FOR THE MANAGEMENT OF COMMERCIAL AIR TOUR OPERATIONS**

Under this ATMP, commercial air tours will be prohibited within the ATMP boundary. Except as necessary for safe operation of an aircraft as determined under Federal Aviation Regulations requiring the pilot-in-command to take action to ensure the safe operation of the aircraft, or unless otherwise authorized for a specified purpose, commercial air tour operations may not enter the ATMP boundary.

### **4.0 COMPLIANCE**

No later than one hundred and eighty days after the effective date of this ATMP, all commercial air tours will be prohibited within the ATMP boundary. The NPS and the FAA are both responsible for the monitoring and oversight of the ATMP. If the NPS identifies instances of noncompliance, the NPS will report such findings to the FAA's Flight Standards District Office (FSDO) with geographic oversight of the Park. The public and Tribes may also report allegations of noncompliance with this ATMP to the FSDO. The FSDO will investigate and respond to all written reports consistent with applicable FAA guidance.

Any violation of operations specifications (OpSpecs) shall be treated in accordance with FAA Order 2150.3, *FAA Compliance and Enforcement Program*.

### **5.0 JUSTIFICATION FOR MEASURES TAKEN**

The provisions and conditions in this ATMP are designed to mitigate or prevent significant adverse impacts to the Park's cultural resources and Tribal lands. The Park's cultural resources necessarily include resources that are culturally and spiritually significant and sacred to the Navajo Nation because the Park is located entirely on Tribal lands. The ATMP also supports NPS management objectives and as set forth in Section 2.1 Park Overview and consistent with the co-management relationship that NPS has with the Navajo Nation regarding specific decisions involving the monument. Thus, in making management decisions about the monument, the NPS gave due consideration to the Nation's concerns about the significant adverse impacts of commercial air tours on the Park's cultural resources, traditional cultural practices, and intrusions on the privacy of the Navajo people on Tribal lands. The provisions and conditions in the ATMP protect the confidentiality of sacred sites in the Park which is listed in the National Register in its entirety and contains many traditional cultural properties and other cultural resources that are sacred to the Navajo Nation; respect the spiritual significance of the Park to the Navajo people; maintain cultural connections to the Park; respect the privacy of Navajo people during traditional uses and ceremonies; respect the privacy of the Navajo people living and/or carrying out traditional cultural practices on Tribal lands within the ATMP boundary; and prioritize the voices and values of the people of the Navajo Nation, especially those that live within or adjacent to the Park within the ATMP boundary.

The NPS and Navajo Nation work in conjunction to manage Park resources and enable traditional and contemporary lifeways. Between March 2021 and December 2023, the agencies engaged with the Navajo Nation President's office and appropriate departments regarding an ATMP for the Park. On May 12, 2021, the agencies held a webinar with the Navajo Nation to provide basic background information on ATMPs and the ATMP development process. In 2022, communications continued with the Navajo Nation with an emphasis on communicating with Chapter House delegates and departmental representation within the Executive Branch. Navajo chapters play an essential role in shared stewardship of the Canyon de Chelly area as local governmental entities. The Chinle, Tsaile-Wheatfields, Nazlini, Lukachukai, and Sawmill Navajo Chapters, which represent the Diné people that live in and around the Park, passed Resolutions that support an alternative that would not allow air tours over the Park. The Resolutions stated that overflights disturb residential areas, farmers and ranchers, domesticated animals, and wildlife, including endangered species; impact the serenity, peaceful enjoyment, and visitor experience of the natural soundscape; and produce safety and privacy concerns. These Resolutions were sent to the Navajo Nation President. In April 2023, Dr. Buu Nygren, President of the Navajo Nation, sent a letter to the agencies (the President's letter) forwarding the Chapters' Resolutions, all of which oppose air tours over the Park. In his letter President Nygren stated that he "supports the position of the Navajo people (approximately 600 individuals that live in and around the monument) for a Canyon de Chelly Air Tour Management Plan that does not allow any air tours over these sacred lands." On February 29, 2024, members of the Chinle Chapter House of the Navajo Nation held a Chapter House meeting in which they discussed the air tour management plan. Members wrote individual comments on comment cards, which were then sent to the agencies (Appendix I). All these correspondences received opposed air tours over the Park, stating concerns about dangers to the residents, wildlife, livestock, and cultural resources from the noise and vibrations created by the aircraft, as well as privacy for the residents and users of the Park. Some residents provide Jeep, horseback, and hiking tours for visitors and stated that the air tours are not needed. Because the Park is located entirely on the Navajo Nation's Tribal trust lands, the agencies relied heavily on the input received from the Chapters, the President of the Navajo Nation, and representatives from departments in the Executive Branch.

The NPS gives due consideration to Tribal recommendations and indigenous knowledge in the planning and management of Federal lands and waters, which include the Park.<sup>3</sup> See NPS Policy Memorandum 22-03, *Fulfilling the National Park Service Trust Responsibility to Indian Tribes, Alaska Natives, and Native Hawaiians in the Stewardship of Federal Lands and Waters* (setting forth NPS policy and guidance on implementation of Secretary's Order No. 3403, *Joint Secretarial Order on Fulfilling the Trust*

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<sup>3</sup> "Federal lands and waters" includes "any area of land and water administered by the Secretary, acting through the NPS Director, for park, monument, historic, parkway, recreational, or other purposes." NPS PM 22-03, p.2 (citing 54 USC 100501).



*Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters*).

Secretary's Order 3403 states that the Department of the Interior is "charged with the highest trust responsibility to protect Tribal interests and further the nation-to-nation relationship with Tribes" when managing Federal lands and waters. The United States' trust responsibility to Indian Tribes stems from the unique historical relationship and treaty obligations between the United States and Indian Tribes. Secretary's Order 3403 therefore directs all bureaus and agencies with the Department to ensure that all Departmental decisions "relating to Federal stewardship of Federal lands, waters, and wildlife under their jurisdiction include consideration of how to safeguard the interests of any Indian Tribes such decisions may affect." Thus, pursuant to NPS Policy Memorandum 22-03, the NPS consults and works directly with Indian Tribes on planning and resource management activities that may directly or indirectly affect Tribal interests, practices, or traditional use areas.

The American Indian Religious Freedom Act sets U.S. policy to preserve and protect Tribal freedom to worship through ceremonials and traditional rites. 42 U.S.C. § 1996. Consistent with this policy and pursuant to Executive Order 13007, *Indian Sacred Sites*, the NPS will, to the greatest extent practicable, accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical and spiritual integrity of such sacred sites; collaborate with Indian and other traditionally associated peoples who have identified sacred sites within units of the National Park System to prepare mutually agreeable strategies for providing access; and enhance the likelihood of privacy during religious ceremonies.

The cultural resources that the NPS preserves under its Organic Act are broader than "historic properties" under the National Historic Preservation Act. As defined in NPS Management Policies (2006), a cultural resource is "an aspect of a cultural system that is valued by or significantly representative of a culture, or that contains significant information about the culture." It may be tangible or may be a cultural practice. Tangible cultural resources within the Park include archaeological sites, sacred sites, ancestral sites, cultural landscapes, and traditional cultural properties, all of which include the natural resources within them. Intangible cultural resources include the cultural connections that the Navajo people have to these lands, including carrying out traditional cultural practices and ceremonies within the Park. These cultural resources are on Tribal trust lands and are sacred to the Navajo Nation. The significant adverse impacts under NPATMA on the Park's cultural resources relate to traditional cultural properties and the intrusion of commercial air tours upon the performance of ceremonies, rituals, prayers, and other traditional practices. The invasion of privacy creates an aversion to perform ceremonies, rituals, prayers and traditional practices under observation. This aversion can lead to a deterioration of the link between the resource and the communities that value it, thus impacting the association that creates the cultural resource's significance.

Air tours intrude on the Diné religious and cultural activities and could interrupt and degrade both the tangible and intangible associations the Diné experience during use of

their traditional cultural properties, the protection of which is a significant Park purpose. Because continuing cultural connections to the Park and relationships are fundamental values of the Park and are significant to the Park's purpose, air tours and their resultant interference with Tribal connections to the land and the privacy of the Navajo people are inconsistent with the Park's purpose and values for which it was established. National Register-listed or eligible cultural resources, including archaeological resources, Tribal sacred sites, cultural landscapes, traditional cultural properties, and ancestral sites occur throughout the Park. Due to the shape of the Park, which was defined by the canyons and waterways of the landscape, and because sensitive locations are densely distributed throughout the Park, air tours cannot be rerouted to avoid sensitive locations. Also, because the Diné reside on Tribal trust lands within the Park and continually practice their traditional activities and religious ceremonies within the Park, timing of air tours cannot be adapted to avoid these activities. Those activities continuously occur and are central to the Park's purpose of providing connection and relationship of the Diné to the Tribal trust lands and resources within the Park. Thus, provisions, such as time-of-day restrictions or no-fly periods, would be unlikely to be effective in avoiding the impacts identified in the Resolutions and the President's letter and thus would be unlikely to avoid impacting this fundamental Park purpose. Based on the above information, the NPS found that commercial air tours are causing significant adverse impacts on Tribal lands, due to the intrusions on the privacy of the Navajo people on Tribal lands. Allowing commercial air tours within the ATMP boundary is inconsistent with the Park's purpose and values, which include perpetuating traditional Tribal cultural connections to the Park's landscapes.

Since commercial air tours intrude on the privacy of the Navajo people living on or practicing traditional cultural practices on the Tribal lands within the ATMP boundary and are inconsistent with the Park's purpose, significance, and fundamental resources and values, the agencies have decided to prohibit commercial air tours within the ATMP boundary to mitigate or prevent significant adverse impacts on the Park's cultural resources and Tribal lands. Because the Park is located entirely on lands held in trust by the United States for the Navajo Nation, the agencies carefully considered their trust obligations. The NPS Departmental policy and guidance were strictly adhered to in establishing this ATMP. For instance, the NPS engaged directly with the Navajo Nation regarding how the ATMP may safeguard the Tribe's sacred cultural resources and practices. The NPS also gave due consideration to how its management decisions involving the Park and the ATMP may safeguard these Tribal interests implicated by the Park's unique location on Tribal trust lands. For the above reasons, the prohibition of commercial air tours within the ATMP boundary is an acceptable and effective measure to mitigate or prevent significant adverse impacts on the Park's cultural resources and Tribal lands, both of which are impacted from commercial air tours that cannot be otherwise mitigated. Accordingly, this ATMP prohibits commercial air tour operations within the ATMP boundary to mitigate or prevent significant adverse impacts on the Park's cultural resources and Tribal lands.

## **6.0 NEW ENTRANTS**

For the purposes of this ATMP, a “new entrant” is any commercial air tour operator that requests to conduct air tours within the ATMP boundary. For the reasons identified in Section 5.0 the Agencies have decided to prohibit commercial air tours within the ATMP boundary. Therefore, the agencies will not consider applications from new entrant operators unless there is a plan amendment allowing air tour operations.

## **7.0 COMPETITIVE BIDDING**

Competitive bidding is not applicable to this ATMP since it prohibits commercial air tours within the ATMP boundary.

## **8.0 AMENDMENT**

This 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, Tribal interests, Tribal resident privacy, 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 this ATMP are necessary to address new information or changed circumstances.

The FAA and the NPS will jointly consider requests to amend this 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 this 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.

Any amendment that would permit commercial air tours within the ATMP boundary will require additional environmental review.

Notice of all amendments to this ATMP will be published in the Federal Register for notice and comment.

## **9.0 CONFORMANCE OF OPERATIONS SPECIFICATIONS**

All IOA for the Park and Tribal lands within the ATMP boundary terminates by operation of law 180 days after the establishment (effective date) of this ATMP, 49 U.S.C. § 40128(c)(2)(E), after which time no operator may continue to rely on any OpSpecs issued under IOA as authority to conduct commercial air tours within the ATMP boundary. OpSpecs will be rescinded or amended to incorporate the operating parameters set forth in this ATMP within 180 days after the effective date of the ATMP.

## 10.0 EFFECTIVE DATE

This ATMP is established and effective on the date it is signed by all required signatories. Operators will be permitted to continue to conduct air tours within the ATMP boundary up to the limit of their IOA until their OpSpecs are rescinded or amended to incorporate the ATMP's operating parameters, which will occur no later than 180 days after the effective date of the ATMP.

## 11.0 RIGHT OF APPEAL

The Record of Decision for this ATMP constitutes a final order of the FAA Administrator and is subject to exclusive judicial review under 49 U.S.C. § 46110 by the U.S. Circuit Court of Appeals for the District of Columbia or the U.S. Circuit Court of Appeals for the circuit in which the person contesting the Record of Decision resides or has its principal place of business. Any party having a substantial interest in this order may seek judicial review of the Record of Decision for this ATMP by filing a petition for review in the appropriate U.S. Court of Appeals no later than 60 days after the order is issued in accordance with the provisions of 49 U.S.C. § 46110.

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Lyn Carranza	Date
Superintendent	
Canyon de Chelly National Monument	
National Park Service	

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Raquel Girvin	Date
Regional Administrator	
Western Pacific Region	
Federal Aviation Administration	

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Kate Hammond	Date
Regional Director	
Interior Regions 6, 7, & 8	
National Park Service	

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Julie Marks	Date
Executive Director	
Office of Environment & Energy	
Federal Aviation Administration	

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Raymond M. Sauvajot	Date
Associate Director	
Natural Resource Stewardship	
and Science Directorate	
National Park Service	

## APPENDIX A

Enlarged Figure 1



