

Air Tour Voluntary Agreement – Frequently Asked Questions

Golden Gate National Recreation Area

Muir Woods National Monument

San Francisco Maritime National Historical Park

Point Reyes National Seashore

An Air Tour Management Plan is currently in place for the parks - why are the agencies pursuing a voluntary agreement, and what is its purpose?

An Air Tour Management Plan (ATMP) for Golden Gate National Recreation Area, Muir Woods National Monument, San Francisco Maritime National Historical Park, and Point Reyes National Seashore (collectively, “the parks”) was finalized on January 11, 2023. A subsequent lawsuit led to a court order that the ATMP be vacated (*Marin Audubon Society v. Federal Aviation Administration*, 121 F.4th 902 (D.C. Cir. 2024)). The ATMP temporarily remains in place due to a stay of that order.

As an alternative to an ATMP, the National Park Service (NPS) and the Federal Aviation Administration (FAA) may enter into a voluntary agreement (VA) with a commercial air tour operator who has applied to conduct commercial air tour operations over a National Park System unit, including an operator that has Interim Operating Authority (IOA) for the park or a new entrant commercial air tour operator. Similar to an ATMP, VAs must address the management issues necessary to protect the resources and visitor use of the park without compromising aviation safety or the air traffic control system. A VA may also include conditions for the conduct of air tour operations and provisions to ensure the stability of, and compliance with, the VA. Each VA reflects the provisions and conditions appropriate for the particular national parks to which the agreement applies. The agencies, therefore, determined that development of a VA is appropriate to comply with the National Parks Air Tour Management Act (the Act) and operators have agreed to participate in the VA process.

This VA will establish conditions for commercial air tours over the parks. The VA specifies where air tours can fly, altitudes, flight direction, and reporting requirements. The operating parameters and noise impacts in the draft VA are within the scope of those considered during the development of the ATMP developed at the park.

What are the existing commercial air tour operations at the parks? How would conditions under this VA differ from what was in the ATMP?

The 2023 San Francisco Bay Area Parks ATMP authorized 2,548 commercial air tours per year for two air tour operators. The ATMP prescribed three routes for fixed-wing aircraft and eight routes for helicopters. Each route had minimum altitude requirements. There were three approved aircraft types.

The draft VA would authorize 2,727 commercial air tours per year. The total number of air tours authorized under the draft VA is consistent with the existing impacts for air tours analyzed in the 2023 San Francisco Bay Area Parks ATMP. This agreement maintains the current level of air tour activity (zero tours per year) at Muir Woods National Monument based on operator reporting from 2013 to the

present day. Under the draft VA, three commercial air tour operators, including one new entrant, would be authorized to conduct air tours over the parks but with new conditions. The draft VA prescribes three routes for fixed-wing aircraft (the same number of routes as the ATMP) and four routes for helicopters (four less routes than the ATMP), and each route has minimum altitude requirements. The day/time restrictions in this agreement are the same as the ATMP and are described in Section 4.4 of the draft VA. The altitudes in the draft VA are similar except for one part of Golden Gate National Recreation Area, where the minimum altitude was reduced by 100 ft. to reduce potential conflicts with nearby Class C airspace, which was a concern raised by the operators. The approved fixed-wing aircraft is unchanged between the ATMP and the draft VA. The four types of helicopters approved in this agreement are all estimated to be quieter than those approved in the ATMP at the altitudes where air tours would occur. The altitudes around Alcatraz Island were reduced from 1,500 ft. to 1,000 ft. AGL in response to operator safety concerns. In order to offset potential effects to park resources from this altitude change, standoff distances around Alcatraz Island were increased from 1,000 ft. to 1,500 ft. AGL.

Does the VA specify terms and conditions for the air tours?

Yes, in order to meet the requirements of the Act, all VAs include terms and conditions for conducting air tours over national parks that address management issues necessary to protect the resources and visitor use of the park without compromising aviation safety or the air traffic control system. Section 4 of the draft VA specifies routes, minimum altitudes, and days/times when air tours may occur, and describes the proposed operating conditions at the parks. Except when necessary for takeoff or landing, in an emergency, or to avoid unsafe conditions, upon approval of the final VA operators would not be able to deviate from the routes and minimum altitudes in the VA.

How were the operating conditions created?

Operating conditions were created reviewing of existing routes provided by the operators, coupled with NPS resource protection and visitor experience management objectives. Several meetings were held between FAA, NPS, and the operators to discuss operating parameters and conditions of the draft VA. The FAA evaluated the draft VA's routes and operating parameters to identify and address any safety concerns.

Was there an environmental review for this VA?

The Act states that the agencies shall provide an opportunity for public review and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under the VA. After these two conditions are met, the VA may be implemented without the need for any further administrative or environmental process.

As part of the development of the VA, NPS considered additional information including noise impacts based on metrics relevant to park management and the reduction in overall noise due to the use of quieter helicopters, park resource condition monitoring and assessments, and scientific literature regarding possible effects from air tour noise. Section 3.1 of the draft VA addresses management issues including the acoustic environment, wilderness character, wildlife, cultural resources, and visitor experience.

Does the VA continue to protect Tribal lands, properties, ceremonies, or practices?

No tribal lands will be flown over as a result of the VA. Section 4.6 of the draft VA, similar to the ATMP, allows the NPS to establish temporary no-fly periods that apply to air tours for special events or planned park management such as tribal ceremonies or other similar events.

Does the VA continue to protect wilderness character and opportunities for solitude in wilderness?

The proposed annual flight limits, routes, and minimum altitudes in the draft VA, similar to the ATMP, are intended to protect wilderness and visitor experience by limiting the number of potential disturbances caused by commercial air tours, by providing opportunities for solitude and remoteness from sights and sounds in the designated wilderness, and by reducing the intensity of air tour noise at ground level. The hours of operation would provide quiet periods of the day during which visitors can enjoy natural sounds and preserves opportunities for solitude.

Will park visitors be able to see or hear commercial aircraft tours from the ground?

Whether a visitor on the ground can see or hear a commercial air tour depends on a number of factors, including proximity to the flight path, type of aircraft, other sources of noise, weather, and surrounding landscape features. Visitors near an aircraft's flight path are more likely to see and hear the aircraft passing overhead, but other noise sources such as vehicles, people, insects and other wildlife activity, wind, and precipitation can mask the sound of an aircraft. Terrain features and buildings, which block the direct line-of-sight between a noise source and a visitor, also may have an effect. A viewer's eye is often drawn to the horizon to take in a park view, and aircraft at higher altitudes are less likely to be noticed. Aircraft at lower altitudes may attract visual attention but are also more likely to be screened by vegetation or terrain. Aircraft are transitory elements in a scene and visual impacts tend to be relatively short.

Why does the VA manage air tours across multiple park units?

The existing commercial air tour routes transit multiple park units that share boundaries. Thus, the agencies determined that a single VA covering all four parks made the most sense for future management of commercial air tours. Provisions in the draft VA, such as the annual meeting provision in Section 6.2, provide an opportunity to ensure the cohesive management of commercial air tours across these park units.

Does this VA apply to other aircraft flying over the parks?

No, it only applies to commercial air tour operations as defined by the Act. The Act defines commercial air tours as:

Any powered aircraft flights for pay or hire where a purpose of the flight is 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.

The Act does not apply to commercial airline flights, military flights, or general aviation.

Could the NPS and FAA enter into VAs with other air tour operators?

The agencies will consider applications from other part 135 operators who apply for authority to conduct tours of the parks. 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>).

How will the NPS and FAA enforce the VA?

Once the VA is in place, the NPS and the FAA are both responsible for oversight and enforcement of the VA within their respective agency jurisdictions. Any party, stakeholder, or member of the public can identify instances of alleged non-compliance with the VA. Allegations of non-compliance with the VA will be reported to the local Flight Standards District Office (FSDO). The FSDO will investigate and respond to all written reports consistent with applicable FAA guidance.

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