



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
National Policy

NOTICE
N 8000.342

Effective Date:
12/15/06
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12/15/07

SUBJ: National Parks Air Tour Management Plans

- 1. PURPOSE.** This Notice provides aviation safety inspectors (ASI) information, direction, and guidance for the development and facilitation of air tour management plans (ATMP).
- 2. DISTRIBUTION.** We will distribute this notice to the division level in the Flight Standards Service in Washington headquarters, including the Regulatory Standards Division at the Mike Monroney Aeronautical Center; to the branch level in the regional Flight Standards divisions; and to all Flight Standards District Offices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avr.faa.gov>. Operators may find this information on the Federal Aviation Administration's (FAA) Web site at: http://www.faa.gov/library/manuals/examiners_inspectors/8000/.
- 3. BACKGROUND.** ATMPs are developed by the FAA and the National Park Service (NPS) in accordance with the National Parks Air Tour Management Act of 2000 (NPATMA) and Title 14 of the Code of Federal Regulations (14 CFR) part 136, National Parks Air Tour Management regulation.
- 4. GUIDANCE.** Appendix 1 of this notice provides new handbook guidance regarding ATMPs.
- 5. ACTION.** ASIs and FSDO managers should review the guidance in Appendix 1.
- 6. DISPOSITION.** We will permanently incorporate the information in this notice in FSIMS before this notice expires. Any questions regarding this notice should be directed to the Aviation Safety Environmental Policy Office, AQS-100, at 202-493-5563.

ORIGINAL SIGNED (by)

James J. Ballough
Director, Flight Standards Service

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Initiated By: AQS-100

APPENDIX 1. ORDER 8400.10, VOLUME 1, CHAPTER 7, AIR TOUR MANAGEMENT PLANS

VOLUME 1. GENERAL CONCEPTS, DIRECTION, GUIDANCE, AND DEFINITIONS

CHAPTER 7. AIR TOUR MANAGEMENT PLANS

SECTION 1. BACKGROUND AND GENERAL INFORMATION

601. APPLICABILITY. This chapter contains information, direction, and guidance for aviation safety inspectors (ASI) that pertain to the development and facilitation of air tour management plans (ATMP) in accordance with the National Parks Air Tour Management Act of 2000 (NPATMA) and Title 14 of the Code of Federal Regulations (14 CFR) part 136, National Parks Air Tour Management regulation.

603. BACKGROUND.

A. The National Parks Air Tour Management Act of 2000 (NPATMA). This act was signed into law on April 5, 2000. The Federal Aviation Administration (FAA) codified the provisions of Title VIII of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Air-21) as part 136 of the regulations on October 25, 2002. NPATMA and part 136 establish a process for the development of an ATMP for any “commercial air tour operation” that occurs over a unit of the national park system or tribal lands.

B. Air Tour Management Plan (ATMP). The objective of an 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 and cultural resources, visitor experiences, and tribal lands. NPATMA requires the Administrator, in cooperation with the National Park Service (NPS) Director, to develop a specific plan to govern commercial air tour operations at national parks. The FAA and NPS are tasked with developing ATMPs through a public process. A final ATMP will be developed with particular consideration given to the uniqueness of each park. This final ATMP may contain any number of specific restrictions or no restrictions at all. Some examples of the types of restrictions that could be included in an ATMP are:

- Limits on the number and frequency of commercial air tour operations over a park
- Establishment of routes over a park
- Exclusion of specific areas within a park for air tour operations.

C. Agency Responsibilities.

(1) AIR-21 was signed into public law (P.L. 106-181) on April 5, 2000. Title VIII of AIR-21, called the National Parks Air Tour Management Act of 2000, regulates commercial air tour operations over units of the National Park System through ATMPs. NPATMA requires that the Administrator of the FAA establish ATMPs in cooperation with the Director of the National

Parks Service (NPS). For purposes of complying with the National Environmental Policy Act of 1969 (NEPA) and agency planning regulations in the development of ATMPs; NPATMA identifies the FAA as the lead agency and the NPS as a cooperating agency. Furthermore, the FAA and NPS will solicit the participation of Indian tribes whose tribal lands are, or may be, overflowed by commercial air tour operations over the park or tribal lands as a cooperating agency.

(a) In establishing an ATMP, the FAA Administrator and the NPS Director will sign an environmental decision document as required by Section 102 of NEPA (Title 42 of the United States Code (42 U.S.C.) § 4332). This environmental document may:

- Include a finding of no significant impact (FONSI); or
- State the need for an environmental assessment (EA); or
- State the need for an environmental impact statement (EIS), and the record of decision for the ATMP.

(b) The FAA placed the responsibility of executing this national ATMP Program with the Western-Pacific Regional Administrator (AWP-1). In response, AWP created the Air Tour Management Plan Program Office (ATMP PO) under the direction of AWP's Executive Resource Staff (AWP-4).

(2) The FAA has sole authority to control airspace over the United States. NPATMA further authorizes the FAA to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing any significant adverse effects of aircraft overflights of national parks and abutting tribal lands. The NPS has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and providing for the enjoyment of the national parks in ways that leave the parks unimpaired for future generations.

(3) The National Parks Overflights Act of 1987 (P.L. 100-91), herein referred to as the Grand Canyon Act, requires actions by the Department of the Interior (DOI)/NPS and the FAA to provide for substantial restoration of the natural quiet and experience of Grand Canyon National Park (GNCP) and for protection of public health and safety from adverse effects associated with aircraft overflights. Actions have been taken over the years to improve aviation safety and reduce noise, but a final overflights plan—including routes or corridors for quiet technology aircraft—is still to be completed. A Presidential memorandum, dated April 22, 1996, directs that a plan shall ensure that the restoration of natural quiet required by the Grand Canyon Act is completed no later than April 22, 2008. The NPS and FAA are providing joint Federal leadership to complete this task with the participation of stakeholders and tribal governments. The ATMP PO is the FAA's lead for implementing NEPA associated with GNCP overflights.

(4) The Associate Administrator for Aviation Safety (AVS) Environmental Policy Office (EPO), AQS-100, encompasses responsibilities for developing AVS National environmental policy, procedures, guidance for compliance with:

- (a) NEPA,

(b) The AVS Environmental Management System (EMS),

(c) All applicable orders, regulations and policies for all AVS organizations, and

(d) All environmental responsibilities for Flight Standards, including air tours over National Parks in compliance with the Grand Canyon Act and NPATMA.

(5) Once an ATMP has been established for a specific park, AQS-100 through the Flight Standards Service (AFS) is responsible for monitoring and enforcing each ATMP (see Order 8400.10, Air Transportation Operations Inspector's Handbook, volume 1, chapter 7, section 5 for oversight/surveillance guidance).

605. INTERIM OPERATING AUTHORITY (IOA) FOR EXISTING COMMERCIAL AIR TOUR OPERATORS. Prior to January 23, 2003, any existing 14 CFR part 121 or 135 air tour operator, or part 91 operator pursuing certification, must have applied for and received IOA from the FAA in order to conduct air tour operations over units of the National Park System and abutting tribal lands. Applications from certificated operators must have been filed with their certificate holding district office (CHDO), while all other applications must have been made with the flight standards district office (FSDO) that has geographic surveillance responsibility over a particular unit of the National Park System and abutting tribal lands. Upon application for operating authority, the FAA is responsible for issuing IOA in accordance with part 136, § 136.11(c). Submission of an application may trigger the FAA and the NPS to initiate development of an ATMP for the requested national park unit and abutting tribal land(s).

NOTE: All requests for IOA after January 23, 2003 are new entrant requests and must be approved by the FAA and NPS at the national level. See New Entrants in section 3.

A. Number of Flights. The IOA is subject to a limit on the annual number of commercial air tour operations that may be conducted on an interim basis pending issuance of the ATMP for a specific park. Determination on the number of commercial air tour operations that may be conducted is based upon the greater of the following criteria:

- The number of flights used by the operator to provide the commercial air tour operations within the 12-month period before April 5, 2000; or
- The average number of flights per 12-month period used by the operator to provide such operations within the 36-month period before April 5, 2000; or
- For seasonal operations, the number of commercial air tour operations that occurred during the season or seasons covered by the 12-month period before April 5, 2000.

B. Requirements and Limitations. The issuance of an IOA is subject to the following:

- May not provide for an increase in the number of commercial air tours conducted during any time period by the commercial air tour operator above the number the

air tour operator was originally granted, unless such an increase was agreed to by the FAA and the NPS

- Will be published in the Federal Register to provide notice and opportunity for comment (Published on 06-23-05 at 70 FR 36456)
- May be revoked by the FAA for cause
- Will terminate 180 days after the date on which an ATMP is established for a specific park or abutting tribal land
- Will promote protection of national park resources, visitor experiences, and tribal lands
- Will promote safe commercial air tour operations
- Will promote the adoption and use of quiet technology, as appropriate
- Will allow for modifications based on experience if the modification improves protection of national park resources and values and of tribal lands

C. FAA Approval Process.

(1) All requests for IOA/Letter of Agreement (LOA) and/or a change in existing IOA/LOA must be coordinated with and approved by AQS-100 for coordination with the NPS.

(a) Operators are issued IOA in Operations Specification (OpSpec) B057, National Parks Air Tour Management Operations—Under 14 CFR part 136.

(b) Part 91 operators that have applied for air carrier certification under part 119 prior to January 23, 2003 were issued a LOA also located in template B057 of the operations specification safety system.

(c) Part 91 operators that wish to remain under part 91 and operate under exemption 40128(a)(3) are issued a letter of agreement and must first secure a letter of agreement from the national park superintendent for each unit of the National Park System where air tours are requested. The LOA must describe the conditions under which the operations will be conducted. Principal operations inspectors (POI) must obtain a copy of the operator's LOA from the park superintendent, annotate receipt of that document, and attach that letter to LOA B057 prior to issuing LOA.

(d) Only National Parks and National Monuments listed as units of the National Park System are eligible to receive IOA; if the park is not on the list, it is not part of the National Park System. POIs must select the park name in B057 template exactly as their names appear in the National Park Unit list.

(2) Tribal Lands.

(a) Tribal lands that are within or abutting a unit of the National Park System require IOA ONLY if commercial air tour operation flights also fly over, or within one-half mile of a national park unit.

(b) NPATMA is not intended to apply the requirements of an ATMP to tribal lands that are not within or abutting a national park.

(c) NPATMA's requirement to establish an ATMP is triggered by an application for authority to conduct a commercial air tour operation "over the park." NPATMA specifically sets out the contents that may be included in an ATMP for a "national park." No such provision exists for tribal lands.

(d) The term "tribal land" is specifically defined to only include "Indian country" (as defined in 18 U.S.C. § 1151) that is within or abutting a national park.

(e) The 1/2-mile boundary was implemented so that air tours could not be conducted just outside the park boundary without operating authority. Thus if tribal lands are within or abutting a unit of the National Park System and an application for operating authority for the park unit is received, then operating authority over those tribal lands is required.

607. DEFINITIONS.

A. *AVS ATMP Development Representative.* A person appointed by the AQS-100 manager, responsible for Flight Standards participation in the development of a particular ATMP and for performing any technical analysis and/or safety analysis needed.

B. *AVS Grand Canyon National Park Working Group Representative.* A person appointed by the AQS-100 manager, responsible for Flight Standards participation in the Grand Canyon Working Group and for performing any technical analysis and/or safety analysis needed.

C. *Air Tour Management Plan (ATMP).* May prohibit commercial air tour operations in whole or in part and, establishes conditions for the conduct of commercial air tour operations within one-half mile outside the boundary of a national park, 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 of privacy on tribal lands; or

- Mitigation of noise, visual, or other impacts.

D. ATMP Working Group. An ATMP working group consists of: an AWP-4 representative, an AQS-100 representative, an Office of Environment and Energy (AEE) representative, the Chief Counsel's Office representatives, and the NPS Regional Director and/or designated staff. Air Traffic and Airports Division Specialists may be used as needed. This group/and or its delegates will prepare the ATMPs and applicable NEPA compliance documents.

E. Certificate Holding District Office (CHDO). The CHDO is the FSDO responsible for managing an air carrier or commercial operator's certificate. These offices are also responsible for issuing, monitoring, compliance, and enforcement of IOA and LOAs regarding ATMPs for national park units within their geographical office boundaries.

F. Commercial Air Tour Operator. Any PERSON who conducts a commercial air tour operation.

G. Commercial Air Tour Operation.

(1) Any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing within one-half mile outside the boundary of any national park or over abutting tribal lands, during which the aircraft flies:

(a) Below 5,000 feet above ground level (AGL) (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

(b) Less than 1 mile laterally from any geographic feature within the park (unless more than one-half mile outside the boundary).

(2) In making a determination of whether a flight is a commercial air tour operation for purposes of this section, the Administrator may consider:

(a) Whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire,

(b) Whether a narrative that referring to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight,

(c) The area of operation,

(d) The frequency of flights conducted by the person offering the flight,

(e) The route of the flight,

(f) The inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight,

(g) Whether the flight would have been canceled based on poor visibility of the surface below the route of the flight, and

(h) Any other factors that the Administrator and the Director consider appropriate.

H. Director. The Director of the NPS.

I. Existing Commercial Air Tour Operator. A commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of enactment of the NPATMA (i.e., April 5, 2000).

J. Operating Authority. Permission to conduct commercial air tour operations over a national park, or tribal lands, in compliance with an established ATMP.

K. Geographic Flight Standards District Office (GEO FSDO). The FSDO whose district boundaries contain a specific unit or units of the National Park System and/or tribal lands.

L. Interim Operating Authority (IOA). A temporary operating authority issued to existing Commercial Air Tour operators who applied for operating authority before the effective date of the final rule implementing NPATMA. IOA remains in effect for 180 days after an ATMP is established. An IOA also may be issued to a New Entrant Commercial Air Tour Operator by the Administrator in cooperation with the NPS Director, if the Administrator determines the authority is necessary to ensure competition in the provision of commercial air tour operations over the park or tribal lands.

M. Letter of Agreement (LOA). Letters describing the conditions under which commercial air tour operations will be conducted. One is secured from the National Park Superintendent and one from the Administrator (B057) for each relevant national park unit, issued to a part 91 commercial air tour operator permitting commercial air tour operations over a national park. The total number of such operations over each park is limited to five flights during any 30-day period for part 91 operators (that did not apply for air carrier certification prior to January 23, 2003) operating under a LOA for a given park.

N. National Park. Any unit of the National Park System, including national monuments. This list is available in the B057 template.

O. National Park Overflights Advisory Group (NPOAG). An advisory group created by NPATMA that is composed of a balanced group of representatives from general aviation, commercial air tour operators, environmental concerns, Indian Tribes, the FAA, and the NPS, which provides continuing advice and counsel with respect to commercial air tour operations over and near national parks.

P. National Parks Air Tour Management Act of 2000 (NPATMA). NPATMA is a part of Public Law 106-181 signed into law on April 5, 2000. NPATMA establishes provisions governing overflights of national parks. Portions of NPATMA include a public process for the development of ATMPs in cooperation with the NPS, procedures for granting IOA, requirements

for existing and new entrant commercial air tour operations and conditions and limitations for conducting commercial air tour operations over or near any unit of the National Park System or tribal lands.

Q. New Entrant Commercial Air Tour Operator. A commercial air tour operator that:

- Applies for operating authority as a commercial air tour operator for a national park or tribal lands
- Is an existing commercial air tour operator and applies for new operating authority for national park (s) not previously conducted.
- Is an existing commercial air tour operator and applies for an increase of operating authority numbers of air tours for currently approved national parks.

R. Part 91 Commercial Air Tour Operator. A part 91 operator with LOA conducting commercial air tour operations over a national park or tribal lands under 14 CFR § 119 (e) (2). See Order 8400.10, volume 1, chapter 7, section 4.

S. Part 91 Operator (applied for air carrier certification). A part 91 existing commercial air tour operator granted IOA while pursuing certification as an air carrier under 14 CFR, part 119.

T. Person. An individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of the aforementioned parties.

U. Superintendent. The duly appointed representative of the NPS for a particular unit of the National Park System.

V. Tribal Lands. Indian Country (as defined in 18 U.S.C. § 1151) that is within or abutting a national park.

608.–618. RESERVED.

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CHAPTER 7. AIR TOUR MANAGEMENT PLANS

SECTION 2. FLIGHT OPERATIONS SUBJECT TO INTERIM OPERATING AUTHORITY AND AIR TOUR MANAGEMENT PLANS

619. APPLICABILITY. This section prescribes the conditions a flight operation must include to be a commercial air tour operation subject to interim operating authority (IOA) and air tour management plans (ATMP). This section will assist Federal Aviation Administration (FAA) inspectors in determining whether an operation qualifies as a commercial air tour operation (as defined in the National Parks Air Tour Management Act of 2000 (NPATMA)).

A. Conditions of Flight. All of the following conditions must be met for the operation to be considered a commercial air tour:

- (1) Compensation or Hire. The flight is conducted for compensation or hire.
- (2) Aircraft. The aircraft used is a powered aircraft.
- (3) Locale. The flight is conducted below 5,000 feet (ft) above ground level (AGL) in any of the following places (Exception, see paragraph 1.21):
 - Over a unit of the national park system,
 - Within one-half nautical mile outside the boundary of a national park unit,
 - Over tribal lands, or
 - Less than one nautical mile laterally from any geographic feature within the park (unless more than one-half nautical mile outside the boundary).
- (4) Purpose. A purpose of the flight is sightseeing.

B. Determining if a purpose of the flight is sightseeing.

(1) The determination of whether sightseeing comprises a purpose of a particular operation is dependent upon several variables. In cases where situations are not expressly covered here, inspectors should consult with the Associate Administrator for Aviation Safety (AVS) Environmental Policy Office (EPO), AQS-100, who will have the latest policy guidance and ensure its uniform application.

(2) NPATMA provides that ANY of the following factors MAY be considered:

- Holding Out. Is there a holding out to the public of a willingness to conduct a sightseeing flight for compensation or hire? This can be shown by pamphlets, Web sites, or other advertising.

- Narrative Referring to Points of Interest. Did the flight include a narrative that referred to areas or points of interest on the surface below the route of flight?
- Area of Operation. Is the area of operation near a unit of the National Park System?
- Frequency. Does the operator conduct these types of flights on a frequent basis?
- Route of Flight. Is the flight(s) planned route for the purpose of sightseeing over a unit of the National Park System?
- Travel Arrangement. Is the inclusion of sightseeing flights a part of a travel arrangement package offered by the person offering the flight?
- Poor Visibility. Would the flight have been cancelled because of poor visibility of the surface below the route of flight?
- Other. Any other factors that the Administrator and the Director of the NPS consider appropriate.

621. EXCEPTIONS. The following flight operations are NOT regulated by NPATMA:

A. Takeoff or Landing. A flight that operates below 5,000 ft. AGL over a unit of the national park system or over tribal lands or within one-half nautical mile outside the boundary of a national park, solely for the purpose of takeoff or landing.

B. "Safe Operation of the Aircraft." This phrase encompasses the discretionary action of a pilot who descends below 5,000 ft AGL over or within one-half nautical mile outside the boundary of a national park, where the descent is necessary for the safe operation of the aircraft. This is determined by FAA regulations requiring the pilot in command to take whatever action necessary to ensure the safe operation of the aircraft.

C. Grand Canyon National Park. Commercial air tour operations over Grand Canyon National Park (GCNP) (see SFAR 50-2 and Part 93).

D. Tribal Lands Within or Abutting GCNP. A Commercial air tour operation over that portion of tribal lands within or abutting the GCNP.

E. Alaska. A commercial air tour operation over lands or waters located in the State of Alaska.

F. Lake Mead. Any air tour operator while flying over or near the Lake Mead National Recreational Area (LMNRA), solely as a transportation route, to conduct an air tour over the GCNP. An air tour operator flying over the Hoover Dam in the LMNRA en route to the GCNP is deemed to be flying solely as a transportation route.

(1) A large portion of the commercial air tours to GCNP originate in Las Vegas, Nevada, and as such, transit over LMNRA en route to/from the Grand Canyon. It was never the

intent of NPATMA to capture these operations, since they are already regulated through SFAR 50-2 and part 93, unless they also are commercial air tour operations of LMNRA.

(2) All commercial air tour operators flying over or near LMNRA, solely as a transportation route, to conduct a commercial air tour over GCNP are EXEMPT from the provisions of the NPATMA, and from the IOA requirements of part 136.

(3) Principal operations inspectors (POI) having oversight responsibilities relating to commercial air tour operators are required to review (with the operator) all flight operations which transit LMNRA. If it is determined that all of the operator's flights for which IOA was issued are solely transiting LMNRA en route to/from GCNP for the purpose of conducting a commercial air tour of GCNP, then that operator does not require the issuance of Operations Specification (OpSpec) B057, National Park Air Tour Management Operations-Under 14 CFR part 136. If the operator is conducting a commercial air tour of the LMNRA for some or all of the flights, then the operator will need OpSpec B057 for those flights.

(4) If it is determined that the number of operations in OpSpec B057 is incorrect, or that the entire OpSpec B057 was issued in error, the POI should amend or rescind OpSpec B057 authority, as appropriate, and send a letter to the operator stating why the OpSpec authority is being amended or why the authorization is being rescinded. If the operator requests at a later date to conduct air tours of Lake Mead then the operator must apply as a new entrant.

623. PROHIBITED FLIGHTS. A commercial air tour operation in the airspace over the Rocky Mountain National Park is prohibited.

624.-634. RESERVED.

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SECTION 3. INTERIM OPERATING AUTHORITY FOR NEW ENTRANT COMMERCIAL AIR TOUR OPERATORS

635. GENERAL. The Administrator, in cooperation with the National Park Service (NPS) Director, may grant interim operating authority (IOA) to an air tour operator for a national park or tribal lands for which that operator is a new entrant air tour operator if ALL of the following conditions are met:

- The Federal Aviation Administration (FAA) determines that the authority is necessary to ensure competition in the provision of commercial air tour operations over the park or abutting tribal lands
- The FAA determines that a safety problem would not be created at the park or abutting tribal lands

- The NPS Director has made a determination that it would not create a noise problem at the park or abutting tribal lands
- An air tour management plan (ATMP) has not been developed for the park or abutting tribal lands prior to April 5, 2002

NOTE: The Certificate Holding District Office (CHDO) must notify the Associate Administrator for Aviation Safety (AVS) Environmental Policy Office (EPO), AQS-100 when an operator's application for IOA is received so that coordination can be initiated with the Western-Pacific Regional Administrator, AWP-1 and the NPS for an ATMP for that National Park unit and abutting tribal land. Coordination and approval at the FAA and NPS National Level is required prior to issuing IOA.

637. Application for IOA for new entrant operations.

A. Application Contents.

(1) Operators making applications are required to submit the following information in the order listed as part of their application package:

- Name, mailing address, and phone numbers of the company
- Address of principal base where operations will be conducted
- The operator's certificate number (if the applicant is a certificated Title 14 of the Code of Federal Regulations (14 CFR) part 135 single pilot, basic, full, or commuter operator status; or part 121 operator)
- 14 CFR part 91, NPS Letter of Authorization from each park unit superintendent for each national park requested
- The national park(s) and/or abutting tribal land(s) over which tours are requested and the number of flights per park that is requested
- Type and number of aircraft to be used for the commercial air tour operations
- Type of engines and whether the aircraft are quiet technology aircraft
- The proposed startup date
- Management personnel names, titles, and telephone numbers
- Maps/Charts of proposed or actual routes and altitudes
- Frequency and proposed time of flights, if known
- The safety history of the operator

- An original and two copies of the IOA application
- Any additional information that might provide the FAA with a better understanding of the proposed operation

(2) New entrants are encouraged to provide the following information in their IOA application as it may aid in the ATMP development process.

(a) The economic benefits of the operator's commercial air tour operations to the park and community.

(b) Impact of any potential restrictions on an operator's commercial air tour operations.

(c) The advantages of the operator's air tours for its customers and the national parks and/or tribal lands they visit.

(d) The number of air tour visitors the operator intends to serve on an annual or seasonal basis.

(e) Any other data that supports commercial air tour operations over the national park and/or tribal lands.

B. Application Filing Locations. Operators will be directed to file their applications as follows:

(1) Certificated 121 or 135 Operators. Their respective CHDOs.

(2) Part 91 Operators. The Geographic Flight Standards District Office (GEO FSDO) whose district boundaries contain the specific unit or units of the National Park System

C. Initial Review of Application. Upon receiving the application, the FAA will make an initial review for completeness. If the application is found to be incomplete, the FAA will reject the entire application and return it to the applicant with a letter stating the reasons for the rejection and encouraging the applicant to reapply. The CHDO or FSDO should retain a copy for future reference if the operator reapplies.

D. Application Processing. The CHDO or FSDO will retain the original and forward a copy to AQS-100. AQS-100 will consult with the Western-Pacific Region Executive Resource Staff, AWP-4 and coordinate the request with the NPS. In addition, when approved, the AQS-100 will coordinate with the CHDO or FSDO for OpSpec/LOA B057 issuance.

NOTE: See Order 8400.10, Air Transportation Operations Inspector's Handbook, volume 3, chapter 1, section 4 for guidance on the issuance of OpSpec B057.

638.-648. RESERVED.

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SECTION 4. PART 91 COMMERCIAL AIR TOUR OPERATORS

649. APPLICABILITY. The National Parks Air Tour Management Act of 2000 (NPATMA) provides for Title 14 of the Code of Federal Regulations (14 CFR) part 91 commercial air tour operators to conduct limited air tour operations over national parks notwithstanding the air tour management plan (ATMP) process. Part 91 commercial air tour operators are allowed to conduct very limited commercial air tour operations over a given park unit or abutting tribal land. For each National Park unit, the operator must first secure a Letter of Agreement (LOA) from the National Park Service (NPS) Park Superintendent and the Federal Aviation Administration (FAA) to conduct such operations under the conditions specified in the LOA.

651. LIMITATIONS.

A. Regulatory Compliance. An LOA may only be issued for commercial air tour operations conducted in accordance with 14 CFR part 119, § 119.1(e)(2) and part 135, § 135.1(a)(5).

B. Limitations on Operations. In accordance with part 136, § 136.7(g)(3), part 91 commercial air tour operators may conduct commercial air tour operations over a park unit limited to not more than five flights by all part 91 commercial air tour operators in any 30-day period.

653. APPLICATION FOR LOA.

A. For an LOA to be granted, a part 91 commercial air tour operator must submit a written LOA application letter to the Flight Standards District Office (FSDO) whose boundaries include the requested park unit(s). The application letter must include the following:

- Company name, mailing address, responsible party, and phone numbers
- Address of the principal base where operations will be conducted
- Proposed startup date
- Number of flights proposed each 30-day period per park unit(s)
- Number and type of aircraft to be used
- National park, tribal land, or geographic area of intended operations

B. The FSDO will consult with the Associate Administrator for Aviation Safety (AVS) Environmental Policy Office (EPO), AQS-100 regarding any safety evaluations that may be needed prior to issuing the LOA.

655. LETTER OF AGREEMENT. After coordinating with the Park Superintendent, obtaining a copy of the NPS LOA from the applicant for each National Park Unit requested, coordinating with AQS-100, and completing any safety review, the FSDO may issue a LOA template B057 to the operator from the Automated Operation Safety System.

NOTE: In coordinating a LOA with the NPS for each park unit requested, an LOA must be secured from each Park Superintendent stating any conditions applicable to the proposed air tour operations. This letter will then be attached to each operator's FAA LOA and constitute the NPS's signature authorization. The FSDO must retain copies of each NPS LOA in the operators' permanent file and send copies of all LOAs to AQS-100.

A. *Contents.* The LOA will contain the following items, as applicable:

- Name and operating address of the operator
- Number of commercial air tour operations authorized for that operator in any 30-day period
- Any limitations or conditions needed for safety
- Any limitations or conditions required by the Park Superintendent (must be an attached letter)
- Notice that the LOA is not a property interest, but rather an operating privilege that can be modified or revoked by the FAA

B. *Issuance and Distribution.* LOAs may be issued when all requirements and coordination approvals have been met and amended as needed. A copy of each LOA will be sent to AQS-100 and the Western-Pacific Executive Resource Staff, AWP-4.

656.–666. RESERVED.

VOLUME 1. GENERAL CONCEPTS, DIRECTION, GUIDANCE, AND DEFINITIONS

CHAPTER 7. AIR TOUR MANAGEMENT PLANS

SECTION 5. OPERATING AUTHORITY AND FEDERAL AVIATION ADMINISTRATION OVERSIGHT/SURVEILLANCE

667. OPERATING AUTHORITY.

A. Issuance. Operating authority is granted to commercial air tour operators as the result of an established air tour management plan (ATMP) that prescribes a limited number of commercial air tours over a park unit or abutting tribal land. When issued for any given park unit, operating authority will become effective 180 days after completion of the ATMP. Operating authority is granted by issuing template B057, part (b) as described in Order 8400.10, Air Transportation Operations Inspector's Handbook, volume 3, chapter 1, section 4.

B. Amendments. It may be necessary to amend the operating authority of a particular commercial air tour operator in order to accommodate internal or operational changes. Operators should submit requests for amendments to their operating authority to their respective Certificate Holding District Office (CHDO). It is in the operator's interest to present full justification with the request, including representations as to the possible impact on safety. All requests for operating authority amendments must be coordinated through the Associate Administrator for Aviation Safety (AVS) Environmental Policy Office (EPO), AQS-100.

669. OPERATOR REQUEST FOR AN INCREASE IN COMMERCIAL AIR TOURS.

A. Operators that have been granted operating authority on their template B057 may request an increase in commercial air tour operations. Inspectors must coordinate the request with AQS-100.

B. AQS-100 will coordinate the request with the Western-Pacific Region Executive Resource Staff, AWP-4 and the National Park Service (NPS). If approved, AQS-100 will coordinate with the CHDO for OpSpec B057, part (b) reissuance.

673. MERGERS, ACQUISITIONS, AND BANKRUPTCIES.

A. Mergers and Acquisitions. If air tour operators merge operations, acquire operational assets of another air tour operator, or change ownership, commercial air tour operating authority may be reallocated by the Federal Aviation Administration (FAA) on a case-by-case basis, subject to all of the following conditions:

- Operating authority is not effective until the CHDO re-issues the OpSpec/LOA reflecting the authorization
- An air tour operator must notify its respective CHDO in writing with a request to reallocate operating authority with justification explaining the similarities

between the previous and current operations (for example: personnel, aircraft, park units, routes)

- The notification must identify both the names of the parties and the number of operating authorities per unit of national park involved
- Prior coordination with and approval of the AQS-100 is required

NOTE: See Order 8400.10, volume 2, chapter 5, section 1, Mergers and Acquisition of Air Carrier Operational Assets, for additional guidance.

B. Bankruptcies. If an operator surrenders its operating certificate or goes out of business, air tour operating authorities are NOT transferable to another operator without approval from AQS-100. These air tour operating authorities will revert back to the FAA.

675. ATMP AMENDMENTS. Under certain circumstances it may be necessary to amend an ATMP. For example, updates of the park general management plan that propose significant changes in park use may require concurrent reevaluation of the ATMP. Any interested party may request amendments to an existing ATMP. The National Parks Air Tour Management Act of 2000 (NPATMA) and Title 14 of the Code of Federal Regulations (14 CFR) part 136 allow for such amendments through the rulemaking process. Inquiries regarding amendments to ATMPs should be directed to AQS-100.

677. FAA OVERSIGHT AND SURVEILLANCE. FAA Flight Standards Service is responsible for oversight and surveillance of all commercial air tour operators. Each office with part 136 surveillance responsibilities must develop a safety and surveillance plan. (See Figure 1.6.5.2 for a sample air tour safety plan.)

A. A minimum of one planned item per air tour operator should be included in all principal operations inspectors' work plans that have responsibility for commercial air tour operators.

B. Flight Standards District Office (FSDO) management personnel should also contact each National Park Unit Superintendent within their area of jurisdiction at least once a year to discuss mutual air tour issues.

679. ENFORCEMENTS.

A. Responsibility. The local CHDO or FSDO is responsible for enforcing the applicable sections of 14 CFR as they apply to commercial air tour operations and the specific provisions contained in all types of operating authority, including Letters of Agreement and ATMPs.

B. Investigations. All investigations will be conducted according to the procedures set forth in FAA Order 2150.3A, Compliance and Enforcement Program.

C. Coordination. Investigations into possible violations of the provisions of NPATMA, a specific ATMP, or other part 136 requirements require notification and coordination with AQS-100.

D. Safety Issues. Investigations of possible violations of safety regulations require no coordination, but it is recommended that AQS-100 be advised of any such occurrences.

680.-690. RESERVED.

FIGURE 1.7.5.1
SAMPLE AIR TOUR SAFETY PLAN
FEDERAL AVIATION ADMINISTRATION

AIR TOUR OPERATION PLAN



XXXX
Flight Standards District Office

Address

Phone

AIR TOUR OPERATIONS PLAN

XXXX
Flight Standards District Office

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AIR TOUR OPERATIONS PLAN

XXXX

Flight Standards District Office

RECORD OF REVISIONS

Number	Date	By	Comments
Original			

AIR TOUR OPERATIONS PLAN

XXXX

FLIGHT STANDARDS DISTRICT OFFICE

1. INTRODUCTION. The purpose of this operations plan is to provide a guide and procedures for pilots to enhance safety while operating aircraft on air tours. The plan will include, as a minimum, the location of airports/heliports, standard routes and altitudes and common radio frequencies to be used by the participants. In addition, safety procedures for high altitude operations and rescue may also be included for operator use, if applicable.

2. PARTICIPATION AND RESPONSIBILITIES.

A. Participation in the safety plan is required by all operators and their employees. Pilots are ultimately responsible for the safety of the aircraft and passengers at all times during operation. Ground personnel should be responsible for safety during ground operations including loading and unloading passengers and escorting people to and from the aircraft. All of the above personnel should be trained in precautions to take during refueling operations.

B. Each participating agency should designate one primary and one alternate representative to the council. These personnel should be the point of contact for coordinating safety and operations procedures adopted for this plan. These personnel should be given the authority to establish and enforce safety procedures within each entity commensurate with this plan.

3. FLIGHT ACTIVITIES. This plan addresses air tour flight activities conducted under Visual Flight Rules (VFR) addressed in 14 CFR Part 91. The following regulations are included for reference:

A. *Operating Near Other Aircraft (part 91, section 91.111).*

- No person may operate an aircraft so close to another aircraft as to create a collision hazard.
- No person may operate an aircraft in formation flight except by arrangement with the pilot in command of each aircraft in the formation.
- No person may operate an aircraft carrying passengers for hire in formation flight.

B. *Right-of-Way Rules (part 91, section 91.113).*

- **General.** When weather conditions permit, regardless of whether an operation is conducted under instrument flight rules (IFR) or VFR rules, vigilance shall be maintained by each person operating an aircraft so as to see and avoid other aircraft. When a rule of this section gives another aircraft right-of-way, the pilot shall give way to that aircraft and may not pass over, under, or ahead of it unless well clear.
- **In distress.** An aircraft in distress has the right-of-way over all other aircraft.
- **Converging.** When aircraft of the same category are converging at approximately the same altitude (except head on, or nearly so), the aircraft to the other's right has the right-of-way.
- **Approaching head-on.** When aircraft are approaching each other head-on, or nearly so, each pilot of each aircraft shall alter course to the right.
- **Overtaking.** Each aircraft that is being overtaken has the right-of-way and each pilot of an overtaking aircraft shall alter course to the right and pass well clear.
- **Landing.** Aircraft, while on final approach to land or while landing, have the right-of-way over other aircraft in flight or operating on the surface, except that they shall not take advantage of this rule to force an aircraft off the runway surface which has already landed and is attempting to make way for an aircraft on final approach. When two or more aircraft are approaching to land, the aircraft at the lower altitude has the right-of-way, but it shall not take advantage of this rule to cut in front of another aircraft which is on final approach to land or to overtake that aircraft.

C. *Minimum Safe Altitudes (part 91, section 91.119).* Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

- *Anywhere.* An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface

- *Over congested areas.* Over any congested area of a city, town, settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle with a horizontal radius of 2,000 feet from the aircraft
- *Over other than congested areas.* An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, or structure
- *Helicopters.* Helicopters may be operated at less than the minimums prescribed in paragraph *B* or *C* of this section if the operation is conducted without hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with any routes or altitudes specifically prescribed for helicopters by the administrator

D. Flight Routes and Check Points. Standard flight routes are established in such a manner that aircraft traversing the route generally fly in the same direction and avoid potential head-on situations. Aerial checkpoints, identified by ground reference points, are established at each location where two or more aircraft might enter a route.

NOTE: Noise sensitive areas within the area of influence have specific requirements regarding distance from geographic points. The minimum distance to be flown near these attractions is indicated on the attached maps.

E. Radio Frequencies.

(1) Each air tour pilot should monitor frequency xxx.x in the xxxx area, and announce intentions on this frequency prior to entering a route. A secondary frequency should be available in the event the primary frequency becomes inoperable. In this case, the operator with the defective frequency should call the other operators and alert them to change to the secondary frequency. When the primary frequency is again operable, a call should be made to switch back to the primary frequency.

(2) Each operator should use a separate discrete frequency to communicate with his or her base heliport/airport during takeoff and landing. It is recommended that each heliport/airport use a separate frequency to avoid confusion during takeoff and landing and switch to frequency xxx.x when airborne.

F. Area(s) of Operation.

- List Park Units and Tribal Lands in FSDO's area of jurisdiction
- Air tour routes are shown by operator on the enclosed maps and include: xxx, xxx, and xxx Parks and Tribal Lands

G. Air Traffic Control (ATC) Services Available.

- XXX Radar Approach Control (RAPCON) is the primary ATC facility providing IFR and Basic VFR services to the surrounding area to include the area of influence described in this Operations Plan.
- When in communication with VFR sightseeing aircraft, XXX approach suggests an altitude of xxxx ft. mean sea level (m.s.l.) vertically and xxxx ft. laterally from the monument. XXX Approach advises said aircraft of the availability of frequency xxx.x to advise other tour operators of their location and intentions.
- Tour operators are encouraged to contact xxx Approach on frequency xxx.x for traffic advisories when operating outside the area of operations or at high altitudes.

H. In-Flight or Ground Emergencies.

- In an emergency situation, immediately transmit type of aircraft, call sign (tail number), location, nature of emergency and pilot's desires. This radio transmission may be relayed over frequency XXX.X, the operator's base station frequency, or ATC emergency frequency 121.5 for relay and coordination of emergency response.
- The following agencies are available in the event of an in-flight or ground emergency requiring the need of emergency response agencies or vehicles:
- XXXX Hospital's Rescue Helicopter: (XXX) XXX-XXXX.
- XXX Fire Department: 911 (XXX) XXX-XXXX
- XXX Ambulance Service: 911 or (XXX) XXX-XXXX
- XXX Police Department: 911 or (XXX) XXX-XXXX
- XXX County Sheriff's office: 911 or (XXX) XXX-XXXX

4. ATTACHMENTS.

- Operator Safety Plans
- Map (s) of National Parks & tribal lands depicting routes for each operator
-

Operator, Inc.

Address

Phone

Air Tour Safety Plan

Each Safety Plan should include at minimum the following items. Operator and/or Park specific topics may be added to further tailor the air tour safety plan to each unique operation.

- Fire protection procedures
- Overdue aircraft procedures
- Loader/Escort duties and passenger briefing
- Refueling procedures
- Protection of passengers embarking and debarking the aircraft
- Any conditions the Park Superintendent requests
- Minimum Altitudes over specified areas
- Noise abatement procedures, if applicable
- Specified Routes
- Time of day restrictions, if any
- Reference to applicable when completed
- Copy of each operators B057 authorization/LOA as applicable

I certify that I have read, understand, and agree to comply with this safety program.

Name	Title	Date

AERIAL TOUR CONTACT LIST.

NAME
COMPANY 1
ADDRESS
PHONE

NAME
COMPANY 2
ADDRESS
PHONE

NAME
COMPANY 3
ADDRESS
PHONE