



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

OCT 15 2024

The Honorable Paul Gosar
Chairman
Subcommittee on Oversight and Investigations
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Gosar:

Enclosed are responses to the Questions for the Record from the December 5, 2023, oversight hearing titled *Limiting Access and Damaging Gateway Economies: Examining the National Parks Air Tour Management Program* before the House Natural Resources Subcommittee on Oversight and Investigations. These responses were prepared by the National Park Service.

Thank you for giving us the opportunity to respond to you on these matters.

Sincerely,

Pamela L. Barkin
Acting Legislative Counsel
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Melanie Stansbury
Ranking Member

Questions for the Record
Committee on Natural Resources
Subcommittee on Oversight and Investigations Oversight
Oversight Hearing “Limiting Access and Damaging Gateway Economies: Examining the
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Questions from Rep. Case

Question 1. How many public comments were received during the comment periods for each Air Tour Management Plan (ATMP) to date?

Response:

Canyon de Chelly National Monument
Draft ATMP and Draft Environmental Assessment (EA) Public Review May 2024
25 unique correspondences, no form letters

Bandelier National Monument
Draft ATMP September 2021
691 unique correspondences, 411 form letters.
Draft ATMP and Draft Environmental Assessment (EA) Public Review August 2023
25 unique correspondences, 3 form letters.

Badlands National Park
EA Public Scoping September 2022
41 unique correspondences, no form letters.
Draft ATMP and Draft EA Public Review May 2023
24 unique correspondences, 2570 form letters.

Mount Rushmore National Memorial
EA Public Scoping September 2022
152 unique correspondences, 108 form letters.
Draft ATMP and Draft EA Public Review May 2023
148 unique correspondences, 118 form letters.

Hawaii Volcanoes National Park
EA Public Scoping March 2022
470 unique correspondences, 465 form letters.
Draft ATMP and Draft EA Public Review May 2023
157 unique correspondences, 5,290 form letters.

Haleakala National Park
EA Public Scoping March 2022
2,122 unique correspondences, 421 form letters.
Draft ATMP and Draft EA Public Review May 2023
276 unique correspondences, 598 form letters.

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Golden Gate National Recreation Area, Muir Woods National Monument, San Francisco
Maritime National Historical Park, and Point Reyes National Seashore
Draft ATMP Public Review October 2021
79 unique correspondences, 70 form letters.

Death Valley National Park
Draft ATMP Public Review August 2021
835 unique correspondences, 424 form letters.

Olympic National Park
Draft ATMP Public Review August 2021
964 unique correspondences, 3178 form letters.

Mount Rainier National Park
Draft ATMP Public Review August 2021
834 unique correspondences, 3156 form letters.

Glacier National Park
Draft ATMP Public Review September 2021
1,349 unique correspondences, 1,319 form letters.

Arches National Park
Draft ATMP Public Review September 2021
82 unique correspondences, 368 form letters.

Canyonlands National Park
Draft ATMP Public Review September 2021
64 unique correspondences, 365 form letters.

Natural Bridges National Monument
Draft ATMP Public Review September 2021
32 unique correspondences, 363 form letters.

Bryce Canyon National Park
Draft ATMP Public Review September 2021
81 unique correspondences, 367 form letters.

Great Smoky Mountains National Park
Draft ATMP Public Review September 2021
413 unique correspondences, 75 form letters.

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Question 2. Do the agencies plan to release a summary of the comments received for each ATMP?

Response: Yes, the agencies have been releasing and will continue to release a summary of the comments received for each ATMP when the Final ATMP is released.

Question 3. Do the ATMPs as currently drafted help meet the overall noise and air quality goals of the individual parks?

Yes. Each air tour management plan or agreement is developed to manage commercial air tours in a way that is consistent with the NPS’s mission and the individual park’s purposes to protect natural and cultural resources, Tribal lands, visitor experience, and wilderness character. The mitigation measures included in ATMPs such as adjustments to routes, altitudes, the time of day/week/month/year that air tours occur, and in some cases, caps on the number of air tours allowed in a specific time period (such as in one day, one year, or the number flying overhead at the same time), were all developed to reduce noise impacts to each park’s resources and values.

Question 4. Does the National Park Service (NPS) have regulations for air and noise pollution from on-the-ground sources like recreational vehicles? How were those regulations developed?

Response: NPS has regulations for audio disturbances (36 CFR 2.12), snowmobiles (36 CFR 2.18), and vessels (36 CFR 3.15). These regulations were developed through the rule-making process consistent with the Administrative Procedure Act. The NPS also has park-specific management plans for off-road vehicles, personal watercraft, snowmobiles and snowcoaches, etc., where appropriate.

Question 5. You stated in our hearing that the NPS implements a number of strategies and policies to increase access for veterans, the elderly and individuals with disabilities. Can the NPS provide a summary of those efforts for each park subject to ATMPs?

Response: The NPS works to ensure that people with disabilities can participate in the same programs, activities, and employment opportunities available to those without disabilities in settings shared by both groups to the extent possible. Alternative means of accessing facilities, programs, and services are provided when an accessible direct experience cannot be provided. Details regarding accessibility are posted to each park’s website, all of which can be accessed from nps.gov.

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Question 6. Does the NPS collect data on how many individuals take tours and also visit the same park on the ground? Does the NPS believe that eliminating air tours over national park units with ATMPs that propose their elimination will significantly increase the number of visitors on the ground?

Response: The NPS and the FAA collect the number of air tours that take place each year at each park from the operators, but not the number of individuals who take the tours. The NPS also collects ground-based visitation numbers at parks (<https://www.nps.gov/aboutus/visitation-numbers.htm>). The elimination of air tours at NPS units is unlikely to have a material impact on the number of visitors on the ground. The number of air tour patrons is a small fraction of the on-the-ground visitation.

Question 7. Which national park units have revenue sharing agreements with air tour operators? How much revenue was collected for the NPS through these agreements in each of the past 10 fiscal years?

Response: The NPS does not have revenue sharing agreements with any air tour operators. Air tour fees were collected at three parks: Grand Canyon National Park, Haleakala National Park, and Hawaii Volcanoes National Park, as required by the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66) prior to the establishment of air tour management plans for those parks. Air tour fees are no longer collected at Hawaii Volcanoes National Park due to the decreased number of air tours authorized over the park in its air tour management plan.

Question 8. Which national park units had efforts to develop voluntary agreements with tour operators? For those units which attempted to develop a voluntary agreement but were unable to do so, please describe the conflicts which required an ATMP to be developed.

Response: Voluntary Agreements have been completed for Big Cypress National Preserve, Biscayne National Park, Glen Canyon National Recreation Area, Rainbow Bridge National Monument, National Parks of New York Harbor (Statue of Liberty National Monument and Governors Island National Monument), and Lake Mead National Recreation Area. Efforts to develop Voluntary Agreements for Badlands National Park and Mt. Rushmore National Memorial were undertaken in 2013, however, the agreement process for both parks was put on hold in 2014 due to inadequate operator reports. Another agreement process was initiated for both parks in 2018. Despite the agencies’ good faith efforts to enter into agreements with commercial air tour operators at both parks, the efforts were unsuccessful because not all commercial air tour operators were willing to participate. The agencies informed the operators in writing in 2020 that development of ATMPs for both parks would be initiated to come into compliance with the National Parks Air Tour Management Act of 2000 (NPATMA).

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Question 9. The Environmental Assessments for both Hawai‘i Volcanoes and Haleakalā state, “Native Hawaiians have consistently noted that the persistent air tours over the Park unreasonably interfere with the silence needed to perform ceremonies conducted by Native Hawaiian practitioners at these sacred sites, some of which rely on hearing natural sounds” (page 92 and 80 respectively). Recently, I wrote to the Federal Aviation Administration (FAA) about its Section 106 consultation process, and its finding of No Adverse Effect from the Hawaii Volcanoes Air Tour Plan. However the Hawai‘i State Historic Preservation Division disagrees, writing to FAA stating the proposed plan will “result in an adverse effect to TCPs [Traditional Cultural Properties] and traditional cultural practices.” The Hawai‘i State Historic Preservation Division also wrote, “Despite holding numerous consultation meetings, FAA has not made a good faith effort to consult, rather they have only moved through the motions to comply with the four-step process and 36 CFR § 800. The FAA has not taken into consideration how the air tour management plan could be amended to avoid, minimize, or mitigate effects to historic properties, nor have they amended their determination of effect to consider these effects, which have been raised by the SHPO and consulting parties throughout the consultation meetings including those held recently.” This view was echoed by the federal Advisory Council on Historic Preservation. How does the NPS justify moving forward with these ATMPs over the concerns of the State Historic Preservation Office and Advisory Council on Historic Preservation? How do the agencies propose to address the significant impacts on Native Hawaiian cultural practitioners and historic properties?

Response: The ATMPs for Hawai‘i Volcanoes National Park and Haleakalā National Park have several provisions that were included specifically to reduce or avoid impacts to, or disruptions of, traditional cultural practices. In assessing the effect of the undertaking (ATMP) under Section 106 of the National Historic Preservation Act, the agencies found that noise levels would decrease across the majority of each park and were not an adverse effect to historic properties. The ATMPs are protective of the parks’ natural and cultural landscapes and resources, including Native Hawaiian sacred sites and ceremonial areas, while also providing an opportunity for those who wish to view the parks from the air to do so via a commercial air tour within the ATMP planning area.

Question 10. The forest birds in Haleakalā require proactive protection to ensure their survival. The plan states that “at least two federally endangered forest bird species within the Park, the kiwikiu and ‘akohekohe, are at imminent risk of extinction, with fewer than 200 and 1800 individuals, respectively, left in the wild. In addition to impacts to the birds themselves, aircraft noise adversely impacts the NPS’s ability to monitor federally protected Hawaiian forest birds, which is done primarily by acoustic-based surveys to detect birdsongs” (page 13). If the NPS cannot conduct the studies, the

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agency could be violating several laws from those governing the NPS to the Endangered Species Act. Why isn't the federal government using the precautionary principle? Why would you put the forest birds at risk in order to allow commercial air tours? Do you agree that allowing air tours is discretionary and ensuring the survival of the birds is required under law?

Response: The agencies relied on available published species-specific materials to determine the potential impacts to native bird species. The analysis presented in the Environmental Assessment on native bird species is supported by the most reliable existing data and resources, consistent with 40 CFR 1502.23 as it was in effect when the air tour plan was completed in January, 2024. The designated flight path was routed to avoid air tours flying directly over sensitive habitats for the park's wildlife, reduce impacts to forest birds and cliff-nesting seabirds, and shift air tours away from key avian habitats. Two no-fly days per week provide the NPS the ability to conduct acoustic-based surveys. Additionally, the ATMP requires aircraft operators to follow a single flight path which is below the referenced 4,000 ft. contour line elevation, with a minimum altitude of 2,000 ft. above ground level (AGL) over the park when flying over land. The ATMP also provides that all air tours may only operate from 11 am to 2 pm, and quiet technology air tours only from 2 pm to 4 pm on days when air tours are allowed. These time-of-day restrictions were included specifically to protect wildlife activity such as foraging, mating, and communication, which typically take place around sunrise and sunset. Further, air tours were eliminated before 11 am specifically to allow park staff to conduct acoustic surveys and song meter recordings of endangered forest birds.

The agencies initiated informal consultation with the USFWS and determined that the preferred alternative (Alternative 3) may affect, but is not likely to adversely affect 'Ōpe'ape'a; forest birds including kiwīkiu, 'ākohekohe, 'i'iwi, and 'alalā; seabirds including 'ua'u, 'a'o, and 'akē'akē; nēnē; waterbirds including ae'o and 'alae ke'oke'o; sea turtles, including honu, loggerhead sea turtle, leatherback sea turtle, olive ridley sea turtle, and honu'ea. The USFWS concurred with this determination on June 15, 2023.

Question 11. The agencies have stated in the draft Haleakalā plan that natural and cultural resources, visitor experiences and Native Hawaiian cultural sites and interactions will be negatively impacted by commercial air tours. The current noisy conditions in the park are violating laws and policies, slight management changes will not protect the park. The plan seeks to minimize flights to one path, but this likely to be difficult to strictly enforce. Does this comply with Park Service policies to protect natural sounds? Why did the agencies not select the most protective alternative as the agency's laws require?

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Response: The ATMP for Haleakalā National Park is consistent with applicable laws, executive orders, regulations, and policies. NPATMA specifically provides that air tours may be allowed over National Park System units where they do not result in significant impacts. Based on the evaluation in the EA, the NPS and FAA found that the mitigations in the ATMP are sufficient to protect park resources.

Question 12. Why did NPS/FAA recommend air tours over Bryce Canyon without a helicopter vibrational impact study? Shouldn’t the National Park Service use the precautionary principle to avoid any damage to the very resource that inspired the protection of this park?

Response: The NPS used the results from a vibrational study done at Rainbow Bridge National Monument to inform the ATMP for Bryce Canyon National Park. Consequently, both horizontal and lateral setbacks are included in the Bryce Canyon National Park ATMP as precautionary measures to avoid damage to the geologic features the park was established to protect. The ATMP requires commercial air tours to fly at higher altitudes as compared to existing conditions. The ATMP requires helicopters to fly a minimum of 1,000 to 2,600 ft. AGL, and fixed-wing aircraft a minimum of 1,500 to 2,600 ft. AGL, depending on terrain. Routes are shifted to the east away from the main amphitheater area; therefore, flights do not occur directly over the fragile geologic formations. For these reasons, vibrational impacts to geologic resources within the park are not anticipated to be significant for the commercial air tour aircraft specified in the ATMP.

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Questions from Chair Gosar

Question 1. How would National Parks Service (NPS) describe the role that the National Parks Overflights Advisory Group (NPOAG) has played in the Air Tour Management Plan (ATMP) process?

Response: Since 2020, the FAA and NPS have met with NPOAG on eight separate occasions: September 2020, January 2021, September 2021, June 2022, March 2023, December 2023, April 2024, and September 2024. The ATMP planning process was included as an agenda item at each of these meetings. NPOAG members were provided a status update and had the opportunity to share their perspectives. NPOAG members have formed subcommittees on specific topics, including aircraft monitoring technologies and competitive bidding. The aircraft monitoring subcommittee provided the agencies with a detailed recommendation that informed the agencies’ development of the aircraft monitoring data requirements for the ATMPs.

- a. What specific input from commercial air tour operators and general aviation representatives on the NPOAG had been incorporated in the ATMP process?**

Response: NPOAG members have the opportunity to comment on individual draft ATMPs during the draft ATMP and draft EA public comment periods. In addition, one public meeting was held during the public comment period for each draft ATMP that NPOAG members were able to attend as members of the public. NPOAG members are not provided advanced copies of the draft ATMP or draft EAs for comment as those documents and the planning process are deliberative until the drafts are finalized for public review.

However, specific input received by NPOAG members on the general ATMP process include NPOAG providing input on the ATMP planning approach. In January 2021, the NPOAG meeting included a detailed discussion of the agencies’ approach to ATMP development. During this meeting, the NPOAG provided input on the agencies’ approach to defining current air tour conditions, which was determined to be the three-year average from 2017-2019. Additionally, the aircraft monitoring subcommittee provided the agencies with a detailed recommendation that informed the agencies’ development of the aircraft monitoring data requirements for the ATMPs

- b. What specific contemporary input from Rushmore Helicopters, Black Hills Aerial Adventures and Badger Helicopters had been incorporated in the ATMP process?**

Response: The number of air tours per year, and the routes, altitudes, and types of aircraft each operator flew were obtained from the operators. This information was incorporated in the

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development of the ATMP. During public scoping and the public review period, the agencies received comments on the draft EA and draft ATMP, some of which resulted in changes or updates to the draft EA. The operators were afforded the opportunity to provide comments during public scoping, the public review period, and during Section 106 consultation. All substantive comments received were considered by the agencies.

Question 2. What shortcomings exist with the noise and operational data used by NPS to develop the ATMPs?

Response: There were no identified shortcomings with the noise and operational data used by the NPS and the FAA to develop the ATMPs. The agencies used 2017-2019 reporting data from operators and obtained additional operational (routes, altitudes, etc.) information from operators in 2019 and 2020. The FAA has recently revised its reporting requirements to reflect a condition permitted by 49 U.S.C. 40128(b)(3)(B), which provides authority to require operators in parks with ATMPs to install flight monitoring equipment that provides flight monitoring information at intervals no greater than 15 seconds during an air tour. The flight monitoring information will be reported to the NPS and FAA consistent with the terms and conditions in the ATMPs.

a. Are noise models and data developed in 2003, 2007 and 2012 considered to be high quality scientific data as required by NPS 4.1.1?

Response: Yes. The identified noise models and data satisfy NPS requirements for high-quality scientific data.

Question 3. How were the seasonality aspects of the commercial air tour industry considered in the ATMPs?

Response: Because ATMP operations over the parks may be seasonal in nature, it was determined that a peak day representation of the operations would more adequately allow for disclosure of any potential impacts. Either a 90th percentile day or a peak month average day (PMAD) was used for the noise modeling analysis.

Question 4. How does NPS justify completely eliminating overflights in some ATMPs?

Response: Each ATMP was designed to protect natural and cultural resources and the visitor experience in each park. Overflights were only eliminated for those parks where changes to operating parameters or reductions to the number of authorized air tours were insufficient to

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mitigate impacts to Tribal nations and resources. The documents associated with each ATMP describe the justification for measures included in each ATMP. The provisions and conditions in those ATMPs maintain confidentiality of sacred sites, respect the spiritual significance of the parks to Tribal people, maintain cultural connections to the parks, respect privacy for Tribes during traditional uses and ceremonies within the ATMP boundary, and prioritize elevating the voices and values of Tribal nations.

- a. How does NPS envision the restrictions included in its ATMPs will affect the economic viability of commercial air tour operators and related businesses in local communities, specifically in park units facing 100% elimination?**

Response: At most of the parks with ATMPs to date, air tours over NPS units are not the sole income source for air tour operators. In addition, due to the highly seasonal nature of air tours, some operators conduct other business with their aircraft such as charter flights for backcountry drop-offs or delivering firefighting and construction material to remote locations.

- b. Why were the economic impacts to operators and local communities and businesses not evaluated as a part of the ATMP process?**

Response: Socioeconomic impacts are considered as part of the ATMP process for all parks. For the majority of the ATMPs that the NPS and the FAA have completed, the number of air tours authorized by the ATMP matches the three-year reported average of flights from 2017-2019.

Question 5. Why are the ATMP’s for Badlands and Mount Rushmore nearly identical, when the parks could not be more different?

Response: While the ATMP development processes and ultimate outcome were the same, the analyses and impacts considered for each park were based on the specific resources and conditions at each park. The complete justifications for each ATMP can be found in the final EA, Finding of No Significant Impacts (FONSI) or Record of Decision (ROD), and other associated documents.

Question 6. In effort to meet the Court-imposed deadline for developing and implementing ATMPs, what processes has NPS expedited?

Response: The NPS and the FAA followed all procedures related to the National Environmental Policy Act, Endangered Species Act, National Historic Preservation Act, NPATMA, and other pertinent laws and agency policies when developing the ATMPs.

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- a. If NPS was afforded additional time to develop and implement ATMPs, could the ATMPs be improved?**

Response: Each ATMP that has been developed to date is based upon the best available information and provides the appropriate level of protection of park resources and the visitor experience. The NPS will continue to monitor for any impacts to park resources and the visitor experience and will work with the FAA to update a given ATMP if necessary.

Question 7. Are any NPS employees members of, or offer material support to Public Employees for Environmental Responsibility?

Response: The NPS defers to PEER for a list of their members.

Question 8. How is safety of the national airspace system (NAS) prioritized in the development of ATMPs?

- a. Can you explain how safety risk assessments were accomplished with the Federal Aviation Administration (FAA) for ATMP?**
- b. Are you aware of risks to air commerce and the need for risk assessment?**

Response: We defer to the FAA for responses to questions related to safety risk assessments.

Question 9. Why were there significant differences in the roles of local FAA Flight Standards District Offices (FSDO) between different ATMPs?

- a. What were the roles of each FAA office that has been involved in the ATMP process?**
- b. What role have regional FAA FSDOs had in the ATMP process?**
- c. What risk assessments were conducted and considered for non-tour operations that are not restricted inside of the park boundary such as photography flights or passenger transport flights?**
- d. Why did NPS dismiss or ignore the recommendations provided by the Rapid City FSDO?**

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- e. Why was the helicopter specialist and principal operations inspector in the Rapid City FSDO removed from any involvement with the ATMP?**

Response: We defer to the FAA for responses on questions regarding the Flight Standards District Offices and risk assessments for flights.

Question 10. How does the National Parks Service (NPS) envision the restrictions included in its Air Tour Management Plans will affect access for certain populations including, veterans, elderly, and people with mobility challenges?

Response: The NPS works to ensure that people with disabilities can participate in the same programs, activities, and employment opportunities available to those without disabilities in settings shared by both groups to the extent possible. Alternative means of accessing facilities, programs, and services are provided when an accessible direct experience cannot be provided. Details regarding accessibility are posted to each park’s website, all of which can be accessed from nps.gov.

- a. How can you assure the flying public that the removal of aerial tours at Mt Rushmore and the Badlands will not discriminate against travelers with mobility challenges?**

Response: Air tours are one of many ways for a person with disabilities to experience a national park. If an air tour plan reduces or eliminates air tours, a person with disabilities would still be able to experience a national park. The NPS works to ensure that people with disabilities can participate in the same programs, activities, and employment opportunities available to those without disabilities in settings shared by both groups to the extent possible. Alternative means of accessing facilities, programs, and services are provided when an accessible direct experience cannot be provided. Details regarding accessibility are posted to each park’s website, all of which can be accessed from nps.gov.

- b. Was the ADA consulted or reviewed in the preparation of the ATMP?**

Response: In compliance with the Americans with Disabilities Act, accessibility solutions for parks are developed in consultation with the disability community and various partners including NPS concessioners and commercial service operators and range from adaptive hiking trails and scenic overlooks to adaptive horse or donkey riding, adaptive river rafting, and many other forms of recreation that provide disabled visitors with a wide range of options for enjoying national parks.

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The NPS has a team dedicated to breaking physical and programmatic barriers to make parks more inclusive for people with sensory, physical, and cognitive disabilities. The team includes regional accessibility coordinators who work to make sure that NPS staff have the tools and training necessary to provide accessible and inclusive outdoor recreation and interpretation opportunities for park visitors and employees alike.

Question 11. How does NPS envision the restrictions included in its ATMPs will affect essential services like search and rescue and firefighting?

Response: Any restrictions in the ATMPs do not apply to essential services like search and rescue and firefighting. Operators are not precluded from using their aircraft for these purposes.

a. How does NPS envision the restrictions included in its ATMPs will affect the helicopter pilot shortage?

Any restrictions included in the ATMPs do not preclude the operators from using their aircraft for other business ventures or conducting air tours elsewhere within the region.

Question 12. With advanced air mobility (AAM) or electric vertical takeoff and landing (eVTOL) aircraft expected to commence commercial operations in 2024, how are the environmental benefits of these aircraft incorporated in ATMPs?

Response: There is no basis to assume that AAM or eVTOL aircraft will be operating in the parks at this time. However, to the extent that this question deals with the development of quieter aircraft, operators that have converted to quiet technology aircraft may request to be allowed to conduct air tours during expanded operating times or expanded operating areas. If implementation of this incentive results in unanticipated effects on park resources or visitor experience, further agency action may be required to ensure the protection of these resources and values.

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Questions from Rep. Nehls

Question 1. Was the Americans with Disabilities Act consulted or reviewed in the preparation of ATMPs? If so, please elaborate.

Response: In compliance with the Americans with Disabilities Act, accessibility solutions for parks are developed in consultation with the disability community and various partners including NPS concessioners and commercial service operators, and range from adaptive hiking trails and scenic overlooks to adaptive horse or donkey riding, adaptive river rafting, and many other forms of recreation that provide disabled visitors with a wide range of options for enjoying national parks.

The NPS has a team dedicated to breaking physical and programmatic barriers to make parks more inclusive for people with sensory, physical, and cognitive disabilities. The team includes regional accessibility coordinators who work to make sure that NPS staff have the tools and training necessary to provide accessible and inclusive outdoor recreation and interpretation opportunities for park visitors and employees alike.

Question 2. How can NPS assure the flying public that the removal of aerial tours at Mt. Rushmore and the Badlands will not discriminate against travelers with mobility challenges?

Response: Air tours are only one of many ways for a person with disabilities to experience a national park. If an air tour plan reduces or eliminates air tours, a person with disabilities would still be able to experience a national park. The NPS works to ensure that people with disabilities can participate in the same programs, activities, and employment opportunities available to those without disabilities in settings shared by both groups to the extent possible. Alternative means of accessing facilities, programs, and services are provided when an accessible direct experience cannot be provided. Details regarding accessibility are posted to each park’s website, all of which can be accessed from [nps.gov](https://www.nps.gov).

Question 3. If ATMPs recommend eliminating, phasing out, or significantly reducing air tours, how will NPS ensure that those who are physically immobile will be able to access the National Park System? Specifically, with traversing NPS landscapes that are inaccessible by wheelchairs, power scooters, or other types of mobility assistance vehicles.

Response: Air tours are only one of many ways for a person with disabilities to experience a national park. If an air tour plan reduces or eliminates air tours, a person with disabilities would still be able to experience a national park. The NPS works to ensure that people with

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Question 4. Please explain the involvement and input from stakeholders in the National Parks Overflights Advisory Group, specifically pertaining to commercial air tour operators and industry representatives. How was their input integrated into the development of ATMPs?

Response: Under NPATMA as it existed prior to the May 16, 2024 amendments, prior to completing an ATMP, the agencies are required to hold at least one public meeting and to make the draft ATMP available to the public through publication in the Federal Register. The NPS and the FAA have held a public meeting and announced a 30-day public comment period for each ATMP. They invited participation of consulting parties, which included Tribes and air tour operators, in the Section 106 process. The agencies also met multiple times with the NPOAG to discuss the process by which the ATMPs are being developed. NPOAG members were provided a status update and had the opportunity to share their perspectives. NPOAG air tour and aviation industry representatives provided input on air tour reporting that was implemented by the FAA and NPS in 2013. NPOAG members have also formed subcommittees on specific topics, including aircraft monitoring technologies and competitive bidding. The aircraft monitoring subcommittee provided the agencies with a detailed recommendation that informed the agencies’ development of the aircraft monitoring data requirements for the ATMPs. In compliance with the May 16, 2024 amendments to NPATMA, NPOAG has been consulted regarding the Canyon de Chelly ATMP and, consistent with those amendments, will be consulted regarding all future ATMPs.