

FINAL AIR TOUR MANAGEMENT PLAN OLYMPIC NATIONAL PARK

SUMMARY

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

1.0 INTRODUCTION

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

The objective of this ATMP is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours on natural and cultural resources, visitor experiences, and tribal lands.

2.0 APPLICABILITY

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

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

See 14 CFR § 136.33(d).

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to the ATMP requirement for parks with 50 or fewer commercial air tour operations each year unless the exemption is withdrawn by the Director of the NPS.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

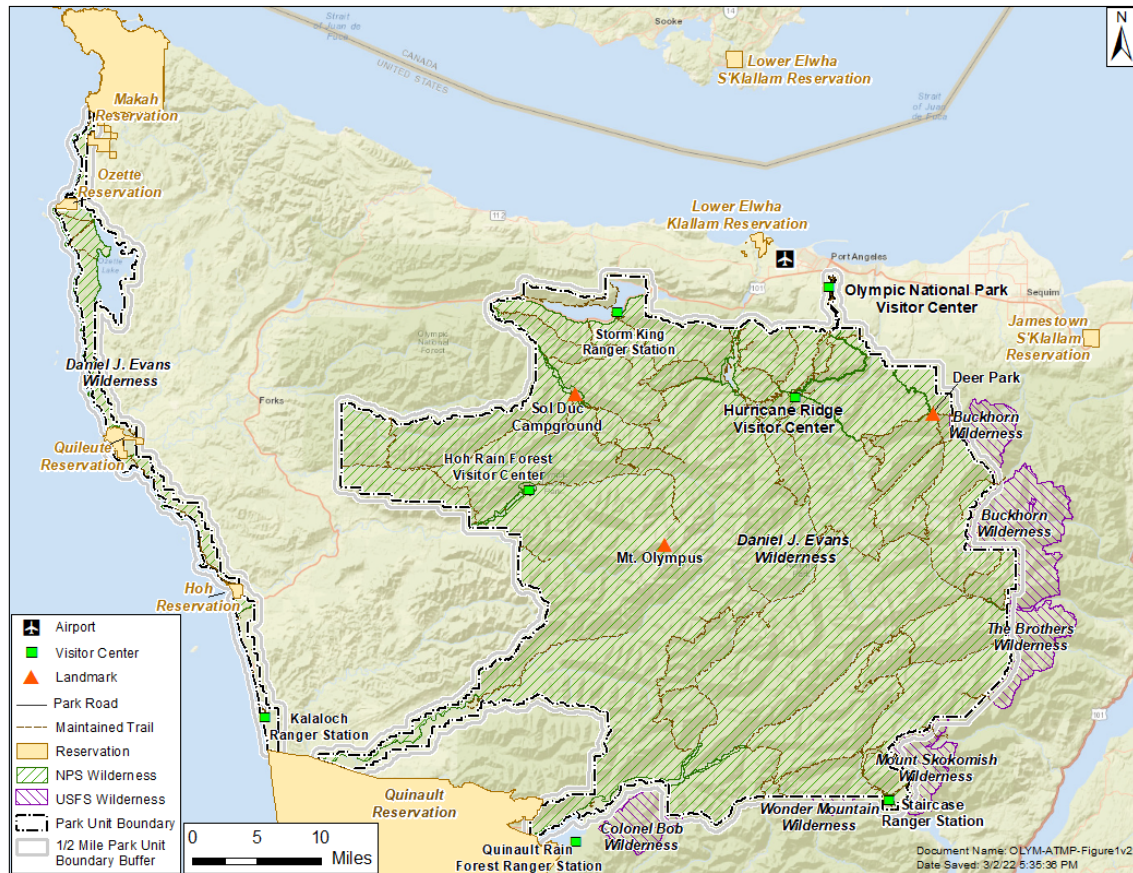


Figure 1. Map of area subject to the ATMP for Olympic National Park

2.1 Park Overview

Located on the Olympic Peninsula in northwest Washington State, the Park is a unique wilderness of rugged mountains, coniferous rainforests, wildlife, glaciers, lakes, streams and seascapes. Of the Park's total 922,650 acres, approximately 95% is designated wilderness. The Park's wilderness character is of inestimable value and among the most precious of the region's resources. The wilderness contains over 600 miles of trails, and hundreds of thousands of remote acres offering solitude and unconfined recreation.

Several tribes attach religious or cultural significance to areas within the Park. Tribal lands belonging to the Makah Tribe, the Quileute Tribe, the Hoh Tribe, and the Quinalt Indian Nation are within ½ mile of the Park boundary. The Ozette Reservation administered by the Makah Indian Tribe is within the Park boundary.

The Park also contains other cultural resources, many of which are included in or eligible for listing in the National Register of Historic Places, including archeological sites, ethnographic sites, cultural landscapes, and historic districts. The Park has several national and international designations, including designation as a United Nations Educational, Scientific and Cultural Organization (UNESCO) International Biosphere Reserve (1976), inscription on the UNESCO World Heritage List (1981), and designation of Point of Arches as a National Natural Landmark (1971).

The Park serves as habitat for numerous federally-listed threatened and endangered species including marbled murrelet (*Brachyramphus marmoratus*) and northern spotted owl (*Strix occidentalis caurina*), both federally listed as threatened under the Endangered Species Act. Northern spotted owls and marbled murrelets are likely to be disrupted by loud noises that occur in close proximity to an active nest or when the activity occurs within the line-of-sight of the nesting birds. Sound generating activities located within close proximity of occupied nest sites or unsurveyed suitable habitat during early breeding or nesting season have the potential to adversely affect marbled murrelets or northern spotted owls. Marbled murrelet nesting season occurs from April 1 to September 23. Marbled murrelet habitat is primarily along or near river corridors where birds fly from coastal waters to their inland nests to feed nestlings during the dawn and dusk periods (2-hour window for each period). Marbled murrelet potential habitat is up to 3,500 feet elevation on the west side of the Olympic Peninsula, and up to 4,000 feet elevation on the east side of the peninsula. Northern spotted owl nesting season occurs from March 1 to September 30. Northern spotted owl habitat is primarily within the forested areas and Parkwide; however, populations have been in steady decline due to habitat fragmentation and competition with barred owls.

The purposes of the Park include: to preserve for the benefit, use, and enjoyment of the people, a large wilderness park containing the finest sample of primeval forest of Sitka spruce, western hemlock, Douglas fir, and western red cedar in the entire United States; to provide suitable winter range and permanent protection for the herds of native Roosevelt elk and other wildlife indigenous to the area; and, to conserve and render available to the people, for recreational use, this outstanding mountainous country, containing numerous glaciers and perpetual snow fields, and a portion of the surrounding verdant forests together with a narrow strip along the beautiful Washington coast. The following Park management objectives relate to the development of this ATMP:

- Park acoustic resources (i.e., sounds within the Park) are in a natural condition and support an outstanding visitor experience and opportunities to hear and enjoy natural sounds.
- Park resources are maintained such that wilderness character (solitude or primitive and unconfined recreation, including remoteness from sights and sounds; untrammeled or wildness; naturalness; undeveloped; other features or values) is preserved.
- Protect individuals and populations of wildlife species known to be sensitive to the effect of aircraft overflights, including the federally listed northern spotted owl and marbled murrelet.
- Protect cultural resources and related cultural landscapes and ethnographic resources that are important to Native American Tribes associated with the Park.

3.0 CONDITIONS FOR THE MANAGEMENT OF COMMERCIAL AIR TOUR OPERATIONS

3.1 Commercial Air Tours Authorized

Under this ATMP, 64 commercial air tours are authorized per year. Appendix A identifies the operator authorized to conduct commercial air tours and annual flight allocations.

3.2 Commercial Air Tour Routes and Altitudes

Commercial air tours authorized under this ATMP shall be conducted on the route in Figure 2 below.² Altitude expressed in units above ground level (AGL) is a measurement of the distance between the ground surface and the aircraft. Air tours will fly no lower than 2,000 to 3,000 feet (ft.) AGL, depending on location, when over the Park or within ½ mile of the Park boundary, as depicted in Figure 2. Except in an emergency or to avoid unsafe conditions, or unless otherwise authorized for a specified purpose, the operator may not deviate from this route and designated altitudes.

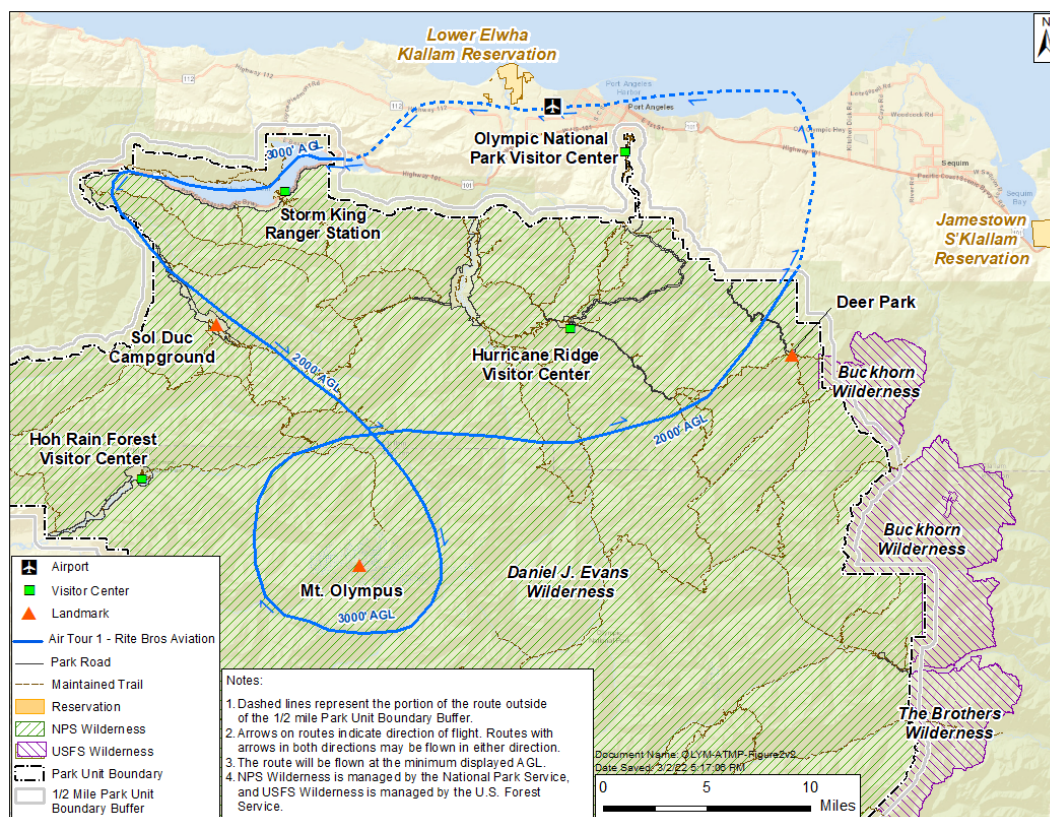


Figure 2. Commercial air tour route over Olympic National Park

² Appendix B contains an enlarged Figure 2.

3.3 Aircraft Type

The aircraft types authorized to be used for commercial air tours are identified in Appendix A. Any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced. In addition to any other applicable notification requirements, the operator will notify the FAA and the NPS in writing of any prospective new or replacement aircraft and obtain concurrence before initiating air tours with the new or replacement aircraft.

3.4 Day/Time

Except as provided in Section 3.8, “Quiet Technology Incentives,” commercial air tours may operate two hours after sunrise until two hours before sunset, as defined by the National Oceanic and Atmospheric Administration (NOAA).³ Air tours may operate any day of the year, except under circumstances provided in Section 3.5 “Restrictions for Particular Events.”

3.5 Restrictions for Particular Events

The NPS can establish temporary no-fly periods that apply to commercial air tours for special events or planned Park management. Absent exigent circumstances or emergency operations, the NPS will provide a minimum of 15 days written notice to the operator for any restrictions that temporarily restrict certain areas or certain times of day, or 60 days written notice to the operator in writing in advance of the no-fly period. Events may include tribal ceremonies or other similar events.

3.6 Required Reporting

The operator will submit to the FAA and the NPS semi-annual reports regarding the number of commercial air tours over the Park or within ½ mile of its boundary that are conducted by the operator. These reports will also include the flight monitoring data required under Section 4.1 of this ATMP and such other information as the FAA and the NPS may request. Reports are due to both the FAA and the NPS no later than 30 days after the close of each reporting period. Reporting periods are January 1 through June 30 and July 1 through December 31. The operator shall adhere to the requirements of any reporting template provided by the agencies.

3.7 Additional Requirements

3.7A Operator Training and Education: When made available by Park staff, the operator/pilot will take at least one training course per year conducted by the NPS. The training will include the Park information that the operator can use to further their own understanding of Park priorities and management objectives as

³ Sunrise and sunset data is available from the NOAA Solar Calculator, <https://www.esrl.noaa.gov/gmd/grad/solcalc/>

well as enhance the interpretive narrative for air tour clients and increase understanding of parks by air tour clients.

3.7B Annual Meeting: At the request of either of the agencies, the Park staff, the FAA Flight Standards District Office (FSDO) with jurisdiction, and the operator will meet once per year to discuss the implementation of this ATMP and any amendments or other changes to the ATMP. This annual meeting could be conducted in conjunction with any required annual training.

3.7C In-Flight Communication: For situational awareness when conducting tours of the Park, the operator will utilize frequency 122.8 and report when they enter and depart a route. The pilot should identify their company, aircraft, and route to make any other aircraft in the vicinity aware of their position.

3.7D Non-transferability of Allocations: Annual operations under this ATMP are non-transferable. An allocation of annual operations may be assumed by a successor purchaser that acquires an entity holding allocations under this ATMP in its entirety. In such case, the prospective purchaser shall notify the FAA and the NPS of its intention to purchase the operator at the earliest possible opportunity to avoid any potential interruption in the authority to conduct commercial air tours under this ATMP. This notification must include a certification that the prospective purchaser has read and will comply with the terms and conditions in the ATMP. The FAA will consult with the NPS before issuing new or modified operations specifications (OpSpecs) or taking other formal steps to memorialize the change in ownership.

3.8 Quiet Technology Incentives

This ATMP incentivizes the use of quiet technology aircraft by commercial air tour operators. Operators that have converted to quiet technology aircraft, or are considering converting to quiet technology aircraft, may request to be allowed to conduct air tours beginning one hour after sunrise until one hour before sunset on all days that flights are authorized. Because aviation technology continues to evolve and advance and the FAA updates its noise certification standards periodically, the aircraft eligible for this incentive will be analyzed on a case-by-case basis at the time of the operator's request to be considered for this incentive. The NPS will periodically monitor Park conditions and coordinate with the FAA to assess the effectiveness of this incentive. 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 Park resources and visitor experience.

4.0 COMPLIANCE

On the effective date of this ATMP, all commercial air tours over the Park or within ½ mile of the Park boundary must comply with the terms of this ATMP in all respects, except as provided in Section 4.1 below. The NPS and the FAA are both responsible for the monitoring and oversight of the ATMP. If the NPS identifies instances of non-compliance, the NPS will report such findings to the FAA's FSDO with geographic oversight for the Park. The public may also report allegations of non-compliance with

this ATMP to the FSDO. The FSDO will investigate and respond to all written reports consistent with applicable FAA guidance.

Investigative determination of non-compliance may result in partial or total loss of authorization to conduct commercial air tours authorized by this ATMP. Any violation of OpSpecs shall be treated in accordance with FAA Order 2150.3, *FAA Compliance and Enforcement Program*.

4.1 Aircraft Monitoring Technology

Operators are required to equip all aircraft used for air tours with flight monitoring technology, use flight monitoring technology during all air tours under this ATMP, and to report flight monitoring data as an attachment to the operator's semi-annual reports. The required flight monitoring data shall be provided in a file format approved by the agencies, such as a .csv or .xlsx format. Data must include the following information for each row of data (i.e., each ping):

- Unique flight identifier
- Latitude
- Longitude
- Geometric altitude
- Tail number
- Date
- Time stamp
- Operator and Doing Business As (DBA), if different
- Aircraft type
- Aircraft model

The ping rate should be set to a maximum of 15 seconds. Operators already using aircraft equipped with flight monitoring technology shall ensure it meets the performance standards listed above or acquire and install acceptable flight monitoring technology within 180 days of the effective date of this ATMP. For aircraft not already equipped with flight monitoring technology, within 180 days of the effective date of this ATMP, operators shall equip those aircraft with suitable flight monitoring technology.

5.0 JUSTIFICATION FOR MEASURES TAKEN

The provisions and conditions in this ATMP are designed to protect Park resources, visitor experience, and tribal lands from the effects of commercial air tours, and to support NPS management objectives for the Park.

Under the Act, the FAA was required to grant Interim Operating Authority (IOA) for commercial air tours over the Park or within ½ mile of the Park's boundary and for tribal lands belonging to the Makah Tribe, the Quileute Tribe, the Hoh Tribe, and the Quinault Indian Nation that are within ½ mile of the Park boundary. IOA does not provide any operating conditions (e.g., routes, altitudes, time of day, etc.) for air tours other than an annual limit.

The total number of air tours authorized under this ATMP is consistent with the existing air tours reported over the Park. The annual flight limits in this ATMP are intended to protect soundscapes, tribal use, visitor experience, wilderness character, and wildlife throughout the Park by limiting the number of potential disturbances caused by commercial air tours. The ATMP does not authorize any air tour routes over tribal lands of the Makah Tribe, the Quileute Tribe, the Hoh Tribe, or the Quinault Indian Nation.

The condition that commercial air tours may fly no lower than 2,000 to 3,000 ft. AGL depending on location is consistent with avoidance recommendations for marbled murrelets and northern spotted owls.⁴ Based on a noise analysis conducted by the agencies, the maximum noise levels would not exceed 60 dB at 2,000 ft. AGL at any given point along the route when the air tour occurs, which is below the sound-only injury threshold of 92 dB for northern spotted owls.⁴ Additionally, this provision will improve preservation of wilderness character and visitor experiences on the ground by reducing the intensity of air tour noise to visitors on the ground.

Sunrise and sunset are important times of the day for wildlife and visitor use and experience. Biologically important behaviors for many species occur during this time, such as the dawn chorus for songbirds, foraging, and communication. Wildlife viewing is often conducted during this time of day as well. Day/time restrictions have been included in this ATMP to create quiet periods of the day during which noise from commercial air tours would not impede these critical wildlife behaviors. These restrictions also allow for opportunities for visitors to enjoy natural sounds and aligns with objectives for areas throughout the Park that are managed as wilderness. Restrictions for particular events are intended to prevent noise interruptions of Park events or tribal practices.

Operator training and education will provide opportunities to enhance the interpretive narrative for air tour clients and increase understanding of parks by air tour companies and their clients. The annual meeting will facilitate effective implementation of the ATMP because it will be used to review and discuss implementation of this ATMP between Park staff, the local FAA FSDO, and all operators. It will thus serve to ensure that air tour operators remain informed regarding the terms and conditions of this ATMP, including any adaptive management measures or amendments, and are made aware of new or reoccurring concerns regarding Park resources.

The requirements to equip aircraft with flight monitoring technology, use flight monitoring technology during all air tours under this ATMP, and to report flight monitoring data as an attachment to the operator's semi-annual reports are necessary to enable the agencies to appropriately monitor operations and ensure compliance with this ATMP.

⁴ United States Fish and Wildlife Service (2008). Biological Opinion for the Olympic National Park General Management Plan and ongoing Programmatic Park Management Activities 2008-2012. June 18, 2008 (extended December 18, 2020). USFWS Reference: 13410-2007-F-0644-R004.

6.0 NEW ENTRANTS

For the purposes of this ATMP, a “new entrant” is a commercial air tour operator that has not been granted any operations under this ATMP or that no longer holds operations under this ATMP at the time of the application. New entrants must apply for and be granted operating authority before conducting commercial air tours over the lands and waters covered by this ATMP.

The FAA and the NPS will publish additional information for interested parties about the form and required content of a new entrant application. The FAA and the NPS will jointly consider new entrant applications and determine whether to approve such applications. Review of applications submitted prior to the effective date of this ATMP will commence within six months of the effective date. Applications submitted after that time will be considered no less frequently than every three years from the effective date of this ATMP.

If any new entrant is granted operating authority under this ATMP, the FAA will issue OpSpecs (and, if necessary, will revise OpSpecs to operators whose allocation of operating authority change due to accommodation of a new entrant) within 90 days of the publication of an amended ATMP or of the effective date of ATMP changes implemented through the adaptive management process.

7.0 COMPETITIVE BIDDING

When appropriate, the FAA and the NPS will conduct a competitive bidding process pursuant to the criteria set forth in 49 U.S.C. § 40128(a)(2)(B) and other criteria developed by the agencies. Competitive bidding may be appropriate to address: a new entrant application; a request by an existing operator for additional operating authority; consideration by the agencies of Park-specific resources, impacts, or safety concerns; or for other reasons.

The agencies will request information necessary for them to undertake the competitive bidding process from operators. Operators who do not provide information in a timely manner may be disqualified from further consideration in the competitive bidding process.

Competitive bidding may necessitate an amendment to this ATMP, additional environmental review, and/or the issuance of new or revised OpSpecs. If updated OpSpecs are required, they will be issued within 90 days.

8.0 ADAPTIVE MANAGEMENT

Adaptive management allows for minor modifications to this ATMP without a formal ATMP amendment if the impacts of such changes are within the impacts already analyzed by the agencies under the National Environmental Policy Act, the National Historic Preservation Act, and the Endangered Species Act. Adjustments to the number of commercial air tours allocated to individual operators as a result of the competitive

bidding process and minor changes to routes, altitudes, or other operating parameters are examples of adaptive management measures that may not require a formal ATMP Amendment. Such modifications may be made if: 1) the NPS determines that they are necessary to avoid adverse impacts to Park resources, values, or visitor experiences; 2) the FAA determines the need for such changes due to safety concerns; or 3) the agencies determine that appropriate, minor changes to this ATMP are necessary to address new information (including information received through tribal input and/or consultation) or changed circumstances.

9.0 AMENDMENT

This ATMP may be amended at any time: if the NPS, by notification to the FAA and the operator(s), determines that the ATMP is not adequately protecting Park resources and/or visitor enjoyment; if the FAA, by notification to the NPS and the operator(s), determines that the ATMP is adversely affecting aviation safety and/or the national aviation system; or, if the agencies determine that appropriate changes to this ATMP are necessary to address new information or changed circumstances that cannot be addressed through adaptive management.

The FAA and the NPS will jointly consider requests to amend this ATMP from interested parties. Requests must be made in writing and submitted to both the FAA and the NPS. Requests must also include justification that includes information regarding how the requested amendment: is consistent with the objectives of this ATMP with respect to protecting Park resources, tribal lands, or visitor use and enjoyment; and would not adversely affect aviation safety or the national aviation system. The FAA and the NPS will publish additional information for interested parties about the form and manner for submitting a request.

Increases to the total number of air tours authorized per year under this ATMP resulting from accommodation of a new entrant application or a request by an existing operator will require an amendment to this ATMP and additional environmental review. Notice of all amendments to this ATMP will be published in the Federal Register for notice and comment.

10.0 CONFORMANCE OF OPERATIONS SPECIFICATIONS

New OpSpecs that incorporate the operating parameters set forth in this ATMP will be issued within 90 days of the date of signature on this ATMP.

11.0 EFFECTIVE DATE

This ATMP is effective on the date new OpSpecs incorporating its operating parameters are issued.

Mike Gauthier
Acting Superintendent
Olympic National Park
National Park Service

Grady Stone
Regional Administrator
Northwest Mountain Region
Federal Aviation Administration

Frank W. Lands
Regional Director
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National Park Service

Kevin Welsh
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APPENDIX A

1.0 COMMERCIAL AIR TOUR ALLOCATIONS

Table 1 provides allocations of the operations authorized per year along with authorized aircraft type by operator. IOA previously issued for the Park and for the tribal lands of the Makah Tribe, the Quileute Tribe, the Hoh Tribe, and the Quinault Indian Nation terminates on the effective date of this ATMP.

Table 1. Air Tour Operations and Aircraft Type by Operator

Air Tour Operator	Annual Operations	Daily Operations	Aircraft Type
Rite Bros Aviation, Inc.	64	No set limit	CE-172-K, CE-172-N, CE-206-TU206F, CE-206-U206A

2.0 DAY/TIME RESTRICTIONS

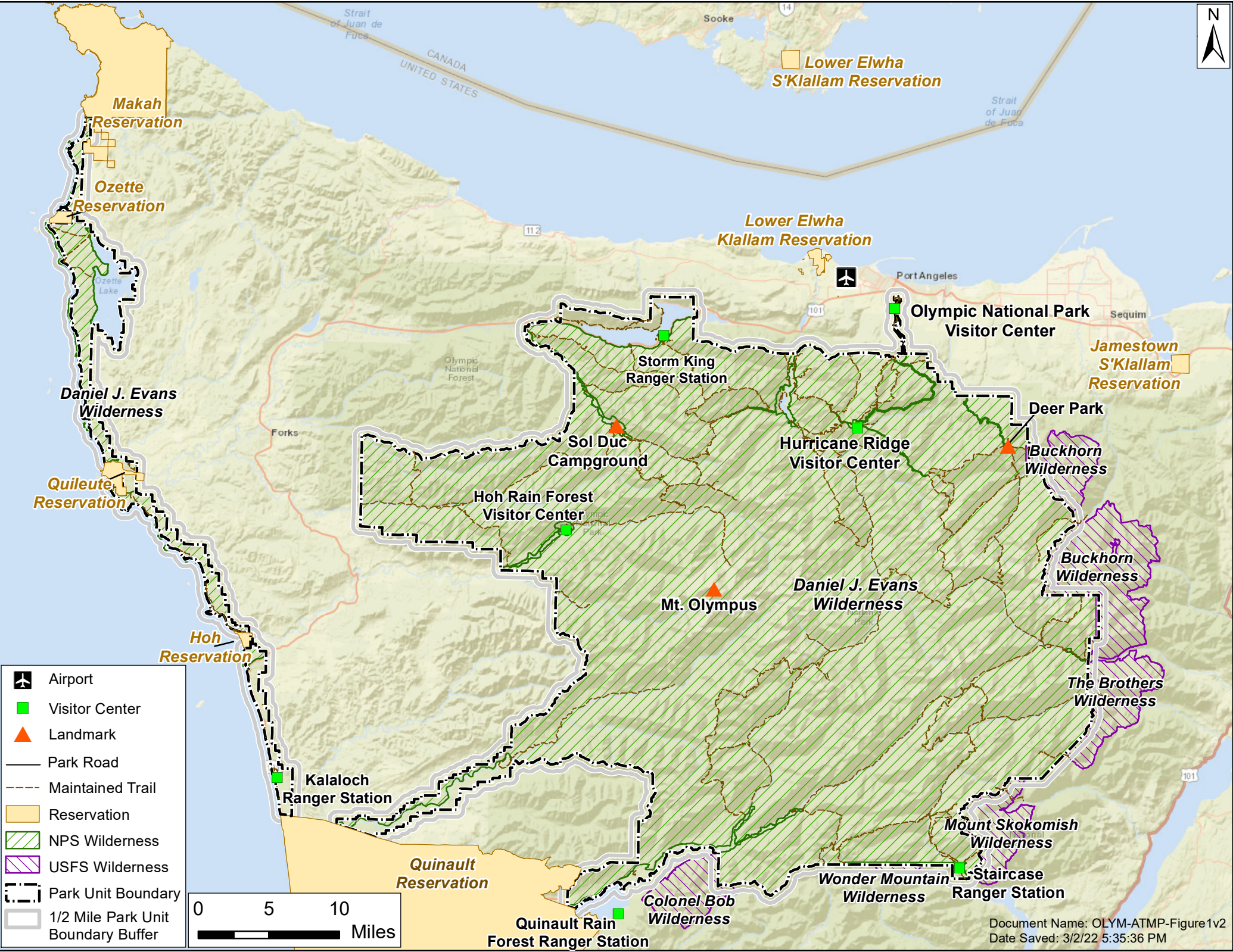
Table 2 lists the time-of-day and day-of-week operating parameters.

Table 2. Air Tour Time-of-Day and Day-of-Week Restrictions by Operator

Air Tour Operator	Time-of-Day	Day-of-Week
Rite Bros Aviation, Inc.	Two hours after sunrise until two hours before sunset	The NPS can establish temporary no-fly periods that apply to air tours for special events or planned Park management.

APPENDIX B

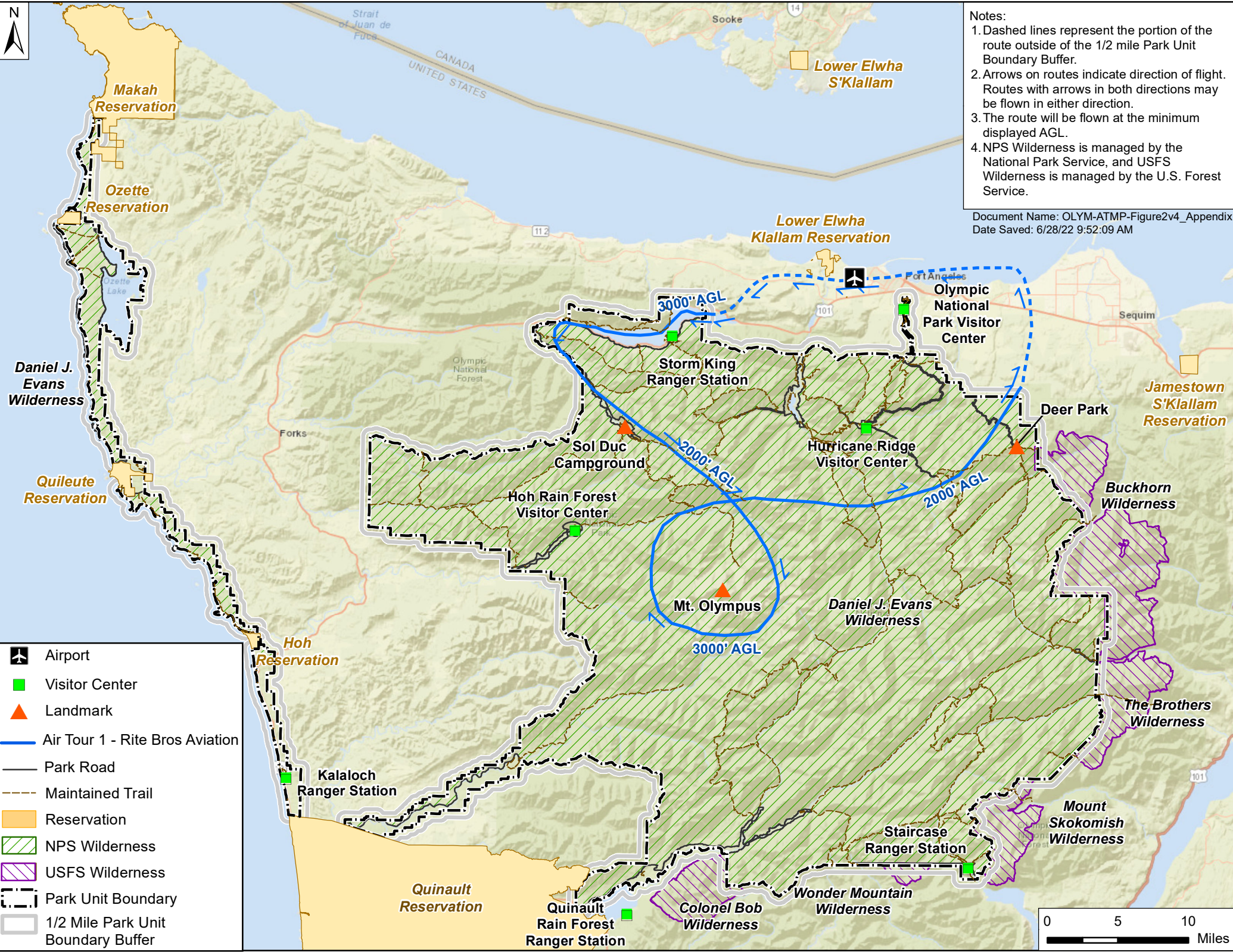
Enlarged Figures 1 and 2





- Notes:
1. Dashed lines represent the portion of the route outside of the 1/2 mile Park Unit Boundary Buffer.
 2. Arrows on routes indicate direction of flight. Routes with arrows in both directions may be flown in either direction.
 3. The route will be flown at the minimum displayed AGL.
 4. NPS Wilderness is managed by the National Park Service, and USFS Wilderness is managed by the U.S. Forest Service.

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- Airport
- Visitor Center
- Landmark
- Air Tour 1 - Rite Bros Aviation
- Park Road
- Maintained Trail
- Reservation
- NPS Wilderness
- USFS Wilderness
- Park Unit Boundary
- 1/2 Mile Park Unit Boundary Buffer

