

RESOLUTION 2021-II

A RESOLUTION OF THE TOWN OF EATONVILLE, WASHINGTON, OBJECTING TO THE PROPOSED DRAFT AIR TOUR MANAGEMENT PLAN FOR MT. RAINIER

WHEREAS, The Federal Aviation Administration (“FAA”) and the National Park Service (“NPS”) have prepared a draft Air Tour Management Plan (“ATMP”) for Mount Rainier National Park; and

WHEREAS, the draft ATMP delineates acceptable levels of commercial air tours including, but not limited to, frequency, duration, altitude and routes consistent with the National Parks Air Tour Management Act of 2000; and

WHEREAS, the ATMP as presented could have a negative impact on Eatonville’s Economic Development; and

WHEREAS, the Eatonville Town Council feels that the Town of Eatonville should have been contacted for comments on the ATMP; and

WHEREAS the Council wishes to officially object to the proposed Draft ATMP; now, therefore,

**THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, WASHINGTON,
HEREBY RESOLVES AS FOLLOWS:**

THAT: The Town Council of the Town of Eatonville hereby objects to the Draft Air Tour Management Plan for Mount Rainier National Park, attached hereto as exhibit A.

PASSED by the Town Council of the Town of Eatonville and attested by the Town Clerk in authentication of such passage this 13th day of September 2021.

Mike Schaub
Mayor

ATTEST:

Miranda Doll,
Town Clerk

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**AIR TOUR
MANAGEMENT PLAN
MOUNT RAINIER NATIONAL PARK**

SUMMARY

This Air Tour Management Plan (ATMP) provides the terms and conditions for commercial air tours conducted over Mount Rainier 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 On September 15, 2015, NPS notified FAA that an air tour management plan was necessary to protect Park resources and values and withdrew the exemption for the Park. The objective of this ATMP is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air 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, as depicted in Figure 1 below. A commercial air tour subject to this ATMP is any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over the Park, 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 NPS. *See* 49 U.S.C. § 40128(a)(5). As an alternative to an ATMP, the agencies also have the option to prepare a voluntary agreement for the Park.

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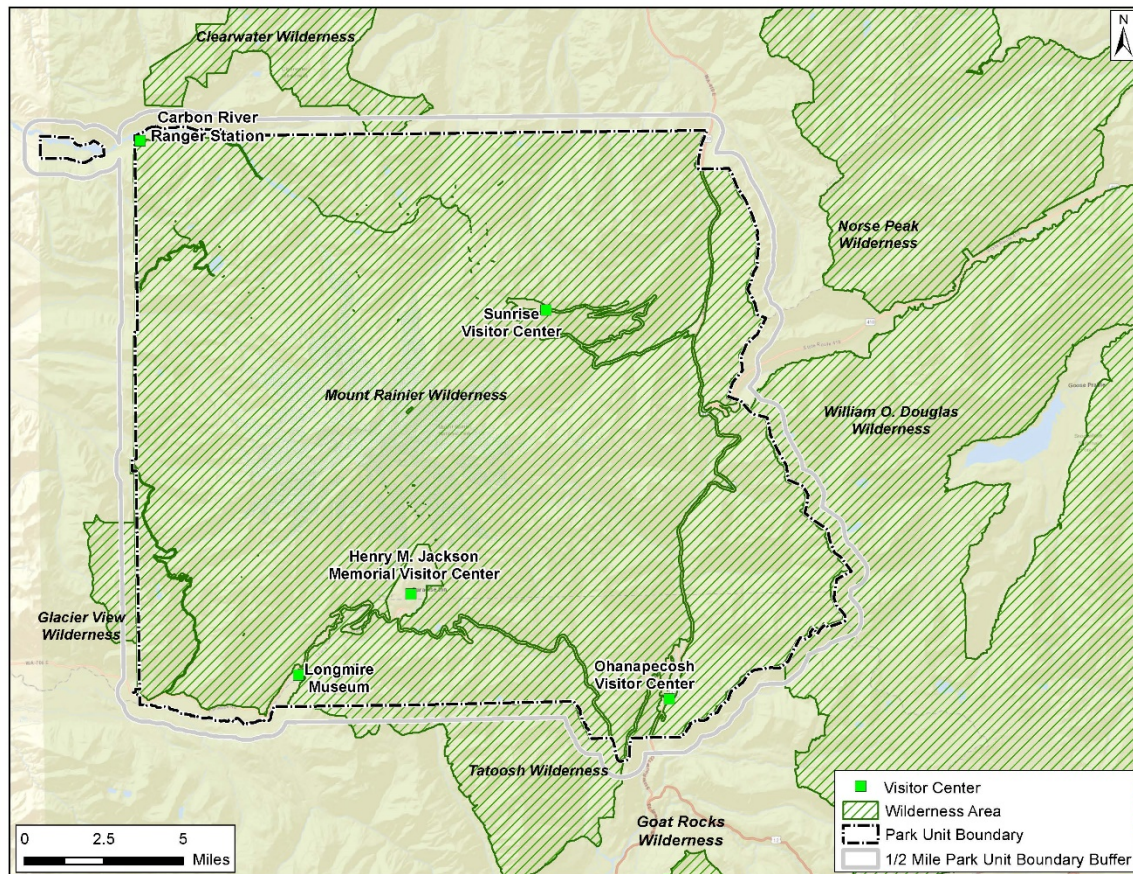


Figure 1. Map of area subject to this ATMP for Mount Rainier National Park

2.1 Park Overview

The Park protects and preserves unimpaired the majestic icon of Mount Rainier, a glaciated volcano, along with its natural and cultural resources, values, and dynamic processes. The Park provides opportunities for people to experience, understand, and care for the Park environment, and also provides for wilderness experiences and sustains wilderness values.

The Park encompasses 236,381 acres in west-central Washington, on the western slope of the Cascade Range. The focal point of the Park is a towering, snow- and ice-covered volcano, which is a prominent landmark in the Pacific Northwest. Approximately 97% of the Park is designated wilderness. The Park offers both a variety of natural sounds and a quietness not found in most urban or suburban environments.

Most developed areas in the Park, including roads and trails, are of national significance and are included in the comprehensive Mount Rainier National Historic Landmark District, designated in 1997.

Land within the Park has a long history of human activities. The area was used by American Indians for hunting and gathering, as well as for spiritual and ceremonial

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purposes. Areas within the Park hold spiritual and cultural significance for Tribes. Many traditional uses of these areas by tribes continue today.

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 the early breeding and nesting season have the potential to adversely affect marbled murrelets and northern spotted owls.

The nesting season for northern spotted owls is from March 15 to September 30. Marbled murrelet nesting season occurs from April 1 to September 23. The Park has high priority habitat and a record of northern spotted owl and marbled murrelet presence and nesting indicators. The Park contains approximately 80,000 acres of suitable spotted owl habitat, which extends up to an elevation of about 4,800 feet. Marbled murrelet habitat includes suitable forested areas within 55 miles of coastal waters. There are approximately 26,500 acres of potential murrelet nesting habitat in the Park extending up to an elevation of about 3,800 feet. During the nesting season, murrelets make daily flights from coastal waters to their inland nests to feed nestlings. The period during dawn and dusk is a peak activity time for feeding exchanges between murrelets and their nesting young (including approximately two-hours after sunrise and two hours before sunset).

3.0 CONDITIONS FOR THE MANAGEMENT OF COMMERCIAL AIR TOUR OPERATIONS AT THE PARK

3.1 Annual Commercial Air Tours Authorized

Under this ATMP, one annual commercial air tour is authorized. Appendix A identifies the operator authorized to conduct the commercial air tour and the annual flight allocation.

3.2 Commercial Air Tour Routes and Altitudes

The commercial air tour authorized under this ATMP shall be conducted on the route in Figure 2 below (Appendix B contains an enlarged Figure 2). Altitude expressed in units above ground level (AGL) is a measurement of the distance between the ground surface and the aircraft. Within the Park, air tours will fly no lower than 3,000 feet (ft.) AGL. Except in an emergency or to avoid unsafe conditions, or unless otherwise authorized for a specified purpose, the operator may not deviate from these routes and altitudes.

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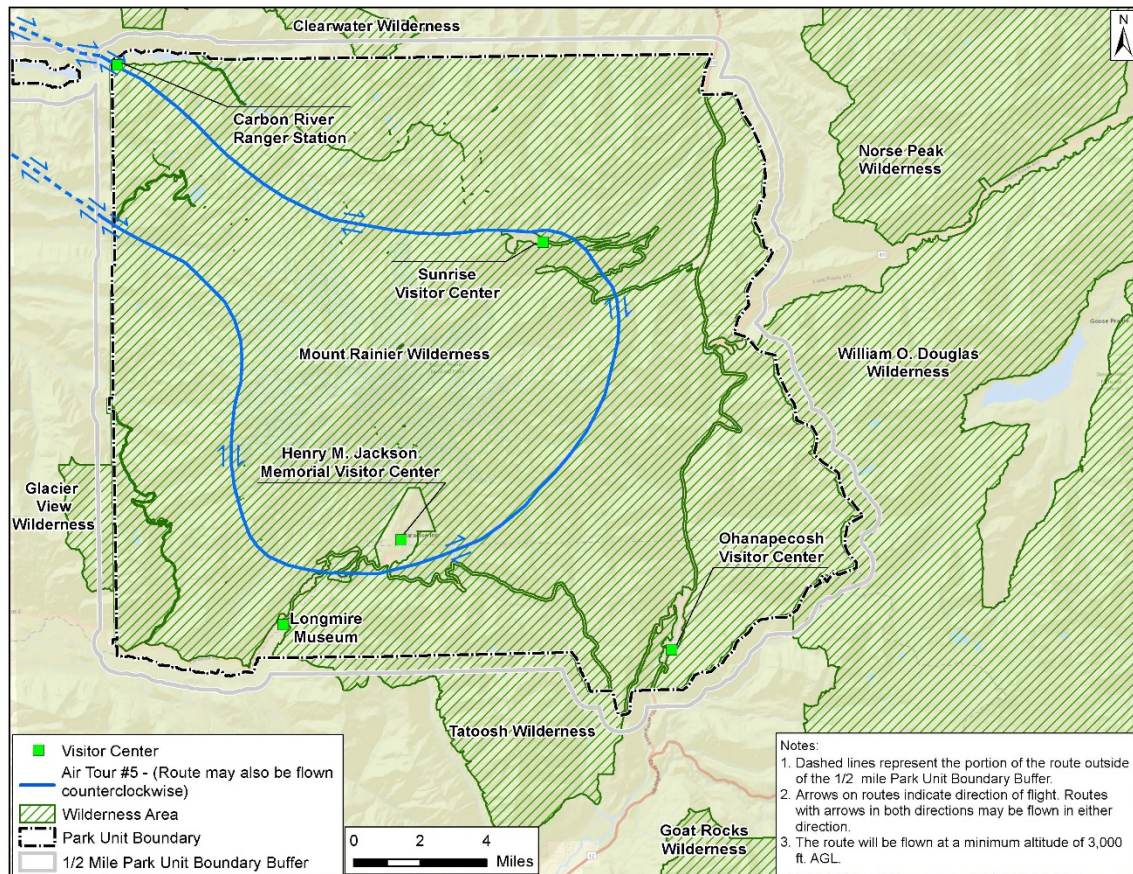


Figure 2. Commercial air tour routes at Mount Rainier National Park

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 the section below entitled “Quiet Technology Incentives,” the air tour may operate between 10:00 AM and 3:00 PM local time any day of the year.

3.5 Restrictions for Particular Events

There are no restrictions to commercial air tours for particular events at the Park under this ATMP.

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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 that are conducted by the operator. These reports will also include the flight monitoring data required under Section 5.1 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 may take at least one training course per year conducted by NPS staff. The training will include the Park information that the operator can use to further their own understanding of Park priorities and management objectives as 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 local FAA Flight Standards District Office (FSDO), and the operator may 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 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.

3.8 Quiet Technology Incentives

This ATMP incentivizes the adoption of quiet technology aircraft by the commercial air tour operator conducting commercial air tours over the Park. From October 1 through March 14, if the operator has converted to quiet technology aircraft, the operator will be allowed to conduct tours beginning one hour after sunrise until one hour before sunset, as defined by the National Oceanic and Atmospheric Administration (NOAA)².

From March 15 through September 30 this incentive will not be available due to protections necessary for northern spotted owl and marbled murrelet. If the additional operating hours resulting from implementation of this incentive results in a change in existing conditions or a change in the effects of air tour noise on Park resources or visitor

² Sunrise and sunset data is available from the NOAA Solar Calculator,
<https://www.esrl.noaa.gov/gmd/grad/solcalc/>

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enjoyment, additional analysis may be required in order to ensure the continued effectiveness of the incentive.

4.0 JUSTIFICATION FOR MEASURES TAKEN

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

Under the Act, the FAA granted Interim Operating Authority (IOA) for air tours over the Park. 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 Park soundscapes, visitor experience, wilderness character, and wildlife by limiting the number of potential disturbances caused by commercial air tours.

The condition that commercial air tours may fly no lower than 3,000 ft. AGL is consistent with avoidance recommendations for marbled murrelets and northern spotted owls. Noise from a fixed wing aircraft at 2,000 ft. AGL (Cessna 206B, 57.4 decibels (dB) L_{max}) is below the sound-only injury threshold of 92 dB for northern spotted owls.³ The time-of-day restrictions included in this ATMP are intended to avoid potential disruption to marbled murrelets during peak activity periods for feeding and incubation exchanges during the marbled murrelet nesting season. 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.

Operator training and education facilitates effective implementation of the ATMP by offering opportunities for the operator to remain informed regarding the requirements of this ATMP including any adaptive management measures or amendments, advances operator understanding of Park management objectives and priorities including noise sensitive areas, and provides opportunities to enhance the interpretive narrative for air

³ USFWS. 2013. Biological opinion for effects to northern spotted owls, critical habitat for northern spotted owls, marbled murrelets, critical habitat for marbled murrelets, bull trout, and critical habitat for bull trout from selected programmatic forest management activities March 25, 2013 to December 31, 2023 on the Olympic National Forest, Washington. USFWS Reference: 13410-2009-F-0388. U.S. Fish and Wildlife Service, Washington Fish and Wildlife Office, Lacey, WA. 404 pp.

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tour clients and increases understanding of parks by air tour clients. The annual meeting will be used to review and discuss implementation of this ATMP between Park staff, local FAA FSDO, and the operator and will serve to ensure that the air tour operator is aware of the terms and conditions of this ATMP and is made aware of new or reoccurring concerns regarding Park resources.

5.0 COMPLIANCE

On the effective date of this ATMP, all commercial air tours over the Park must comply with the terms of this ATMP in all respects, except that the operator may continue to conduct the number of air tour operations authorized under IOA as reflected in their existing Operations Specifications (OpSpecs) until such OpSpecs are modified to require compliance with this ATMP. 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 having geographic oversight for the Park. The FSDO will investigate all reports of noncompliance. The public may also report allegations of non-compliance with this ATMP to the FSDO which may result in an investigation by the FAA.

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*.

5.1 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

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211 within 180 days of the effective date of this ATMP. For aircraft not already equipped
212 with flight monitoring technology, within 180 days of the effective date of this ATMP,
213 operators shall equip those aircraft with suitable flight monitoring technology.

214 **6.0 NEW ENTRANTS**

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

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

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

231 **7.0 COMPETITIVE BIDDING**

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

238 The agencies will request information necessary for them to undertake the competitive
239 bidding process from existing operators. Failure to provide such information in a timely
240 manner may result in the disqualification of any such operator.

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

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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 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, 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, 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 will publish additional information for interested parties about the form and manner for submitting a request.

Increases to the total number of annual air tours authorized 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.

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 effective date of this ATMP.

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282 **11.0 EFFECTIVE DATE**

283 This ATMP is effective [date].

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<INSERT name>, Superintendent
Mount Rainier National Park
National Park Service

<INSERT name>, <INSERT title>
<INSERT name of FAA office>
Federal Aviation Administration

<INSERT name>, Regional
Director
Unified Interior Region 9:
Columbia-Pacific Northwest
National Park Service

<INSERT name>, Associate
Director
Natural Resource Stewardship and
Science Directorate
National Park Service

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APPENDIX A

1.0 COMMERCIAL AIR TOUR ALLOCATIONS

Table 1 provides allocations of the annual operations along with authorized aircraft type by operator.

Table 1. Air Tour Operations and Aircraft Type by Operator

Air Tour Operator	Annual Operations	Daily Operations	Aircraft Type
Rite Bros Aviation, Inc.	1	1	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.	10:00 AM to 3:00 PM local time	No restrictions.

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APPENDIX B

304 Enlarged Figure 1 and 2



Clearwater Wilderness

Carbon River

Ranger Station

*Norse Peak
Wilderness*

**Sunrise
Visitor Center**

Mount Rainier Wilderness

*William O. Douglas
Wilderness*

**Henry M. Jackson
Memorial Visitor Center**





*Glacier View
Wilderness*

**Longmire
Museum**

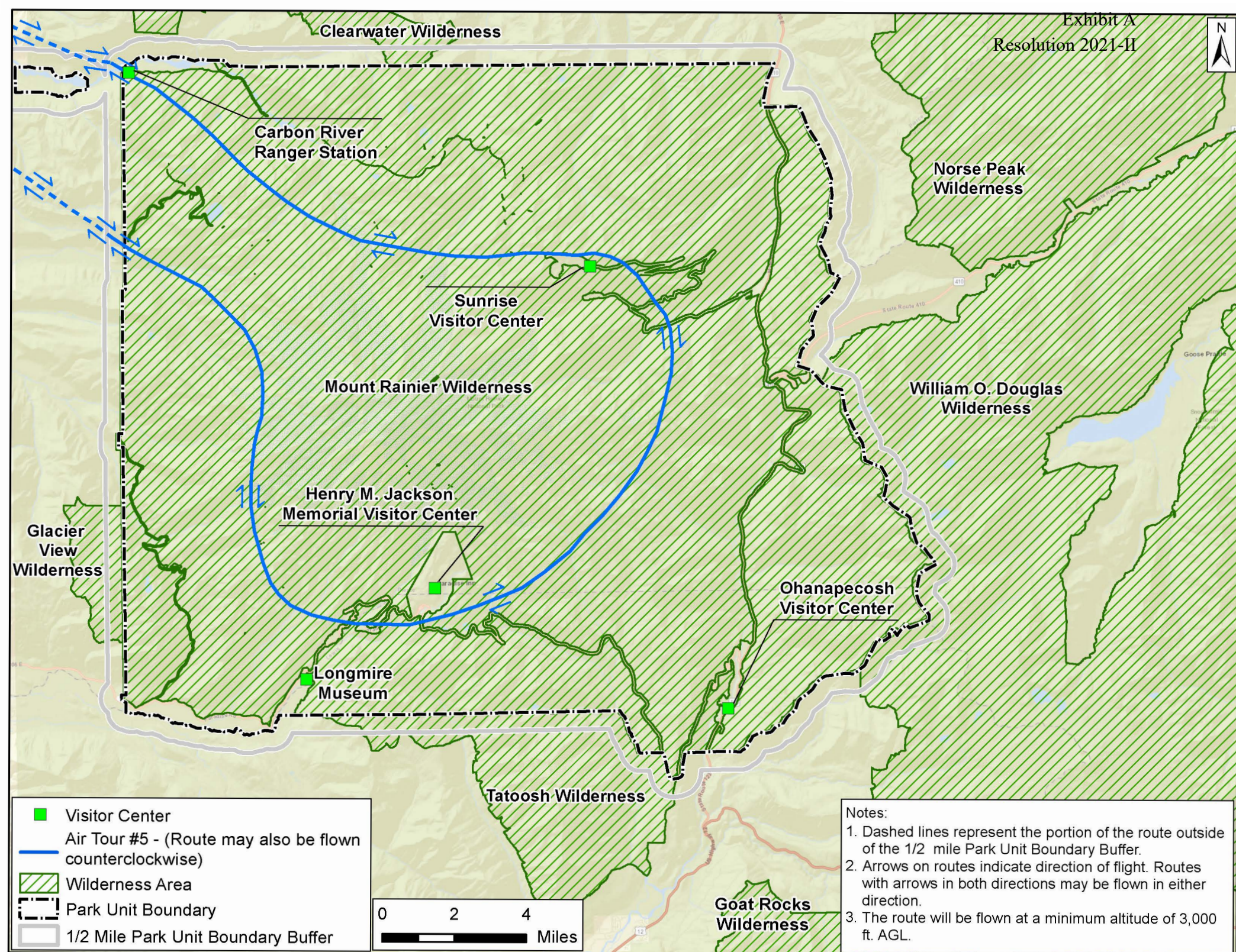
**Ohanapecosh
Visitor Center**

Tatoosh Wilderness

*Goat Rocks
Wilderness*

-  Visitor Center
-  Wilderness Area
-  Park Unit Boundary
-  1/2 Mile Park Unit Boundary Buffer

0 2.5 5
Miles



Visitor Center

Air Tour #5 - (Route may also be flown counter-clockwise)

Wilderness Area

Park Unit Boundary

1/2 Mile Park Unit Boundary Buffer

0

2

4

Miles

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 a minimum altitude of 3,000 ft. AGL.