



HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

**To:** Subcommittee on Oversight and Investigations Republican Members  
**From:** Subcommittee on Oversight and Investigations Staff,  
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**Date:** Tuesday, December 5, 2023  
**Subject:** Oversight Hearing on “*Limiting Access and Damaging Gateway Economies: Examining the National Parks Air Tour Management Program*”

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The Subcommittee on Oversight and Investigations will hold an oversight hearing titled “*Limiting Access and Damaging Gateway Economies: Examining the National Parks Air Tour Management Program*” on **Tuesday, December 5, 2023, at 10:30 a.m. in 1334 Longworth House Office Building.**

Member offices are requested to notify Cross Thompson ([Cross.Thompson@mail.house.gov](mailto:Cross.Thompson@mail.house.gov)) by 4:30 p.m. on Monday, December 4, if their Member intends to participate in the hearing.

**I. KEY MESSAGES**

- Air tour operations, which operate across numerous states and national park units, represent a vital option for visitors seeking to experience the beauty of our National Parks.
- These businesses provide an important economic engine to gateway communities, require zero infrastructure inside park boundaries, and can help alleviate overcrowding and wait times, which have become problematic for many popular park units.
- The National Park Service (NPS) has abused the National Parks Air Tour Management Program (ATMP) to essentially eliminate air tour flights over certain National Park units without sufficiently consulting industry and the National Parks Overflights Advisory Group.
- NPS is currently developing and implementing numerous ATMPs across the National Park System, including for Canyon de Chelly National Monument in Arizona, which could prohibit all air tours in the units under consideration.
- Eliminating air tours limits access to the National Park System for the elderly, those with physical limitations, and those with limited time and resources to travel. Poorly designed ATMPs also effect emergency services that air tour operators provide for surrounding gateway communities and displace a workforce that often transitions to fields experiencing pilot shortages such as emergency services, law enforcement, and firefighting.

## II. WITNESSES

### PANEL I

- **Mr. Ray Sauvajot**, Associate Director, Natural Resource Stewardship and Science, National Park Service, U.S. Department of the Interior, Washington, DC

### PANEL II

- **Mr. John Wells**, Chairman of the Board, Military Veterans Advocacy, Slidell, LA
- **Mr. Jake Tomlin**, President, Grand Canyon Scenic Airlines, Boulder City, NV
- **Mr. Mark A. Schlaefli**, President, Rushmore Helicopters, Custer, SD
- **Mr. Carl Slater**, Delegate, Navajo Nation Council, Window Rock, AZ [*Minority Witness*]

## III. BACKGROUND

In 2000, President Clinton signed the National Parks Air Tours Management Act<sup>1</sup> into law, which requires operators wishing to conduct commercial air tours over national parks, or over tribal lands within or abutting national parks, to apply to the Federal Aviation Administration (FAA) for authority to conduct tours.<sup>2</sup> The legislation also requires FAA and the NPS to “establish air tour management plans (ATMP) for parks or tribal lands for which applications are submitted.”<sup>3</sup>

The National Parks Air Tour Management Act also required that the Administrator of FAA and the Director of NPS establish an “advisory group to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks.”<sup>4</sup> Soon after, FAA and NPS established the National Parks Overflight Advisory Group (NPOAG), consisting of “representatives of general aviation, commercial air tour operators, environmental groups, and Native American tribes.”<sup>5</sup>

On May 1, 2020, the U.S. Court of Appeals for the District of Columbia ordered FAA and NPS to implement ATMPs or voluntary agreements for 23 specific NPS areas.<sup>6</sup> It gave the agencies 24 months to comply, however extensions have been granted to the agencies as they provide regular progress reports to the court.<sup>7</sup> Unfortunately, since the 2020 court case, FAA and NPS have rushed to complete the ATMPs without input on safety and economic considerations from stakeholders, operators and NPOAG.<sup>8</sup>

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<sup>1</sup> 49 U.S.C. §40128 (2000).

<sup>2</sup> *Air Tour Management Plan (ATMP)*, FEDERAL AVIATION ADMINISTRATION (Last accessed Nov. 15, 2023), [https://www.faa.gov/about/office\\_org/headquarters\\_offices/apl/aee/air\\_tour\\_management\\_plan](https://www.faa.gov/about/office_org/headquarters_offices/apl/aee/air_tour_management_plan).

<sup>3</sup> *Id.*

<sup>4</sup> *National Parks Overflights Advisory Group*, FEDERAL AVIATION ADMINISTRATION (Last accessed Nov. 15, 2023), [https://www.faa.gov/about/office\\_org/headquarters\\_offices/apl/aee/air\\_tour\\_management\\_plan/parks\\_overflights\\_group](https://www.faa.gov/about/office_org/headquarters_offices/apl/aee/air_tour_management_plan/parks_overflights_group).

<sup>5</sup> Jen Boyer, *Air Tour Management Plans: Planning For Failure?*, ROTOR MEDIA (Jan. 25, 2023), <https://rotormedia.com/air-tour-management-plans-planning-for-failure/>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

## Economic Considerations

ATMPs across the nation have either completely eliminated air tours over certain National Park units, or effectively eliminated them by drastically limiting the number of flights allocated, making air tour operations in these regions uneconomical.<sup>9</sup> Such actions are short sighted, as they do not account for the numerous services that air tour companies, their pilots, and their vehicles provide for the surrounding communities. They also do not account for the economic impacts of ATMPs, resulting limitations on access to the National Park System, and their minimal impact to the environment.

FAA and NPS have excluded stakeholders, operators, and the NPOAG from the development process for ATMPs since the 2020 court order, eliminating their ability to “meaningfully contribute, creating unsafe conditions for tour flight operations over the parks.”<sup>10</sup> The lack of consultation with industry and the NPOAG has caused FAA and NPS to overlook “very basic aeronautical safety factors.”<sup>11</sup> The Helicopter Association International, which “has provided support, services, and set the industry safety guidelines for the international helicopter community for more than 70 years,”<sup>12</sup> have observed numerous clear safety issues with already approved ATMPs, including:

(1) “Arches National Park - despite being less than 2 miles away from the Canyonlands Regional Airport, the plan requires the use of a different frequency than the common traffic advisory frequency.”<sup>13</sup> The common traffic advisory frequency is a collision avoidance tool at airports<sup>14</sup> – given the proximity of Arches National Park to the Canyonlands Regional Airport, it is troubling that the ATMP will require the use of different frequency than the airport.; and

(2) “Bryce Canyon National Park - the plan calls out specific routes, altitudes and time of day that pose hazards to helicopter operators. This includes stacking fixed wing and rotary wing at the same elevation in almost identical routes at altitudes as high as 13,500 feet. This causes a tremendous safety concern as fixed wing and rotor wing climb and descend through each other’s path.”<sup>15</sup>

Additionally, the current ATMP process does not evaluate and consider important economic considerations. According to Helicopter Association International, FAA and NPS have not conducted meaningful economic studies to determine impacts on industry, the broader aviation community, and the surrounding communities.<sup>16</sup> Numerous ATMPs have outright prohibited air

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Letter from James Viola, President and CEO, Helicopter Association International, to The Honorable Deb Haaland, Secretary of the Interior, Department of the Interior, The Honorable Pete Buttigieg, Secretary of Transportation, U.S. Department of Transportation, The Honorable Steve Dickson, Administrator, Federal Aviation Administration, Shawn Bengel, Acting Director, National Park Service (Oct. 21, 2021), <https://rotor.org/wp-content/uploads/2021/10/HAI-letter-on-ATMP-Oct-2021.pdf>.

<sup>12</sup> Helicopter Association International, <https://rotor.org/About/>, last accessed December 4, 2023

<sup>13</sup> *Id.*

<sup>14</sup> Liz Brassaw, *What Is CTAF and How Do You Use It?*, THRUST FLIGHT (Sept. 13, 2023), <https://www.thrustflight.com/ctaf-vs-unicom/>.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

tours over National Park Units, while others “cut back flights to such a degree that it is no longer economically feasible for air tour companies to stay in business.”<sup>17</sup>

Eliminating air tour businesses has cascading impacts on a community, as they often utilize their pilots and vehicles to provide emergency services for the surrounding area when needed. For example, in response to the Maui fires over the summer, Hawaii helicopter company transported approximately 70,000 lbs. of supplies to Lahaina on rapid response,<sup>18</sup> including (as stated):

- “Mauna Loa Helicopters utilized 2 Robinson R-66’s, a twin engine Piper Seneca and two Cessna 172’s. Transported over 14,000 pounds of supplies.
- Rainbow Helicopters utilized Airbus As350B2 and Robinson R44 helicopters. Flew 12 flights and transported over 5500 pounds of supplies, supplies focused on Moms & babies. To include 275 containers of formula, 175 boxes of diapers, 175 boxes of wipes, and 2500 oz of breastmilk. Also raised \$76,000 for the efforts.
- Maverick Helicopters utilized their fleet of EC 130’s. Transported over 18,000 pounds of supplies over 2 ¾ days.
- Blue Hawaiian Helicopters utilized their fleet of EC 130’s. Transported over 14,000 pounds of supplies and cargo. They also transported critical authorities to places that could not be reached by road.
- Windward Aviation utilized their MD’s helicopters. Transported over 18,000 pounds of cargo. generators, water, gasoline, food, and toilet paper.”<sup>19</sup>

Eliminating air tours will also displace a workforce that is in high demand, as pilot shortages are reported nationwide.<sup>20</sup> Pilots for air tour companies regularly transition to fields that are experiencing severe pilot shortages such as emergency services, law enforcement, firefighting, and national defense.<sup>21</sup> Air tour businesses provide an irreplaceable pipeline for pilots to these fields.

## Access to Parks

Air tour operators assist millions of Americans, who might not otherwise be able to access the National Park System. Air tours provide an alternative option for the elderly and individuals with physical limitations to experience the beauty of our National Park System.<sup>22</sup> Many Americans do not have the capacity to walk or hike long distances for a multitude of reasons, and air tours provide an opportunity for those individuals to “interact with the parks in ways they could not otherwise.”<sup>23</sup>

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<sup>17</sup> *Id.*

<sup>18</sup> Email from Cade Clark, Chief Government Affairs Officer, Helicopter Association International, to House Committee on Natural Resources (Nov. 15, 2023).

<sup>19</sup> *Id.* (formatting as in original document)

<sup>20</sup> Jean-François Harvey, *USA EB2 National Interest Waiver – A Solution To the US Helicopter Pilot Shortage Crisis*, GLOBAL LAW EXPERTS (Apr. 2023), <https://globallawexperts.com/usa-eb2-national-interest-waiver-a-solution-to-the-us-helicopter-pilot-shortage-crisis/#:~:text=This%20shortage%20has%20left%20a,services%2C%20and%20even%20military%20operations.>

<sup>21</sup> *Letter from James Viola, supra* note 11.

<sup>22</sup> Mark Huber, HAI Slams Parks Air Tour Plans for South Dakota and Hawaii, Aviation International News (June 5, 2023), [https://www.ainonline.com/aviation-news/business-aviation/2023-06-05/hai-slams-parks-air-tour-plans-south-dakota-and-hawaii.](https://www.ainonline.com/aviation-news/business-aviation/2023-06-05/hai-slams-parks-air-tour-plans-south-dakota-and-hawaii)

<sup>23</sup> *Letter from James Viola, supra* note 11.

Additionally, families with young children, or individuals who can't afford an extended stay near a National Park can choose to experience parks in a way that fits their schedule and budget.<sup>24</sup> Many of the most sought after destinations at our National Parks are difficult to get to, and many visitors often “do not have the time to spend several days visiting all the different scenic wonders by car, or have the money necessary to spend a week or two” visiting a National Park.<sup>25</sup>

More Americans than ever are choosing to recreate outdoors on public lands. In 2022, NPS received 312 million recreation visits, up 15 million visits (5%) from 2021.<sup>26</sup> Overcrowding can contribute to a poorer overall visitor experience, and can place a significant strain on the environment and infrastructure of the parks – with more people comes more litter, noise, and pollution from cars, longer lines, less available parking spaces, more instances of dangerous human-animal encounters, and damage to the natural environment.<sup>27</sup> Air tours can limit overcrowding and mitigate some of the associated impacts on the environment.<sup>28</sup>

Compared to other methods for visiting the National Park System, air tours are particularly low-impact for the environment as they require no infrastructure on the ground in the National Park System to support their operations, and cause minimal if any disturbance to the lands and waterways.<sup>29</sup> For this reason, some air tour operators believe NPS unfairly targets their industry while overlooking the environmental impact of ground-based traffic congestion and other impacts of visitation to the National Park System.<sup>30</sup>

### **Recent Administrative Action Regarding ATMPs**

NPS and FAA are in the process of developing numerous ATMPs across the nation that will have devastating consequences for air tour operators and stakeholders. On May 18, 2023, FAA posted a *Notice of Availability of Draft Air Tour Management Plans and Draft Environmental Assessments (EA) and Public Meetings* for Haleakalā National Park, Hawai'i Volcanoes National Park, Mount Rushmore National Memorial, and Badlands National Park.<sup>31</sup>

The Draft ATMP for Haleakalā National Park would reduce air tours by 50 percent, while the Draft ATMP for Hawai'i Volcanoes National Park would reduce air tours by 86 percent.<sup>32</sup> On November 17, 2023, NPS published the Final Air Tour Management Plan for Mount Rushmore National Memorial and Badlands National Park, which prohibits air tours over both of these

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<sup>24</sup> Mark Huber, *supra* note 22.

<sup>25</sup> Ann E. Lane, Scenic Air Tours over Our National Parks: Exploitation of Our National Resources or Environmental Solution, Volume 62, The Journal of Air Law and Commerce, 524, 531-532, (1996)  
<https://scholar.smu.edu/cgi/viewcontent.cgi?article=1431&context=jalc>.

<sup>26</sup> Annual Visitation Highlights, NATIONAL PARK SERVICE, <https://www.nps.gov/subjects/socialscience/annual-visitation-highlights.htm> (last visited July 20, 2023).

<sup>27</sup> Harry Baker, *Post-pandemic overcrowding of national parks causing bigger problems than just long lines*, LIVE SCIENCE (June 18, 2021), <https://www.livescience.com/overcrowding-us-national-parks.html>.

<sup>28</sup> Letter from James Viola, *supra* note 11.

<sup>29</sup> Letter from James Viola, *supra* note 11.

<sup>30</sup> Jen Boyer, *supra* note 5.

<sup>31</sup> 88 F.R. 31840

<sup>32</sup> Mark Huber, *supra* note 22.

national park units.<sup>33</sup> Currently, an average of 1,425 air tours are conducted over the Badlands National Park every year and 3,914 over Mount Rushmore National Memorial.<sup>34</sup>

Additionally, NPS and FAA, on November 2, 2023, posted a *Notice of Availability of Consultation Documents for Public Comment Under Section 106 of the National Historic Preservation Act* for the Canyon de Chelly National Monument Air Tour Management Plan. The Canyon de Chelly National Monument is the latest effort by the administration to restrict air tours over some of Arizona's most treasured areas of the National Park System, affecting air tour operators across the state.<sup>35</sup>

On July 27, 2023, the Subcommittee for Oversight and Investigations held [a hearing](#), *Examining Barriers to Access: Ongoing Visitor Experience Issues at America's National Parks*.<sup>36</sup> During the hearing, Chairman Gosar described how "the State of Arizona has 22 national parks, Mr. Reynolds, with an average of over 10 million visitors per year coming to our parks. The economic impact is over \$1 billion per year."<sup>37</sup> Chairman Gosar stated that:

Air tours are a great way to see the parks, especially for those who have mobility issues. Recently I have been hearing from the air tour operators on issues about the Park Service. Specifically, the Service has not been listening to the advice of the National Parks Overflight Advisory Group. I am particularly concerned about the upcoming discussions related to the air tour management plan, and efforts to shut down air tours completely in some national parks.<sup>38</sup>

He requested that Mr. Reynolds commit to seeking the counsel of the NPOAG, particularly as it relates to the economic impact to gateway communities for national parks.<sup>39</sup> Mr. Reynolds agreed, stating "we will talk to any of the oversight folks, along with the FAA, who is our prime partner in this."<sup>40</sup>

## Congressional Action

Chairman Gosar has led efforts over the years to update the ATMP process so that air tour operators are not unfairly targeted and put out of business.<sup>41</sup> Most recently, in July 2023, Chairman Gosar proposed an amendment to the FAA reauthorization legislation, H.R. 3935,

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<sup>33</sup> Kurt Repanshek, *Badlands National Park, Mount Rushmore National Memorial Move To Ban Air Tours*, NATIONAL PARKS TRAVELER (Nov. 20, 2023), <https://www.nationalparkstraveler.org/2023/11/badlands-national-park-mount-rushmore-national-memorial-move-ban-air-tours>.

<sup>34</sup> *Id.*

<sup>35</sup> Kurt Repanshek, *Court Orders National Park Service, Federal Aviation Administration To Develop Air Tour Guidelines*, NATIONAL PARKS TRAVELER (May 1, 2023), <https://www.nationalparkstraveler.org/2020/05/court-orders-national-park-service-federal-aviation-administration-develop-air-tour>.

<sup>36</sup> Examining Barriers to Access: Ongoing Visitor Experience Issues at America's National Parks, Hearing before the House Natural Resources Subcomm. on Oversight and Investigations, 118 Cong. (2023).

<sup>37</sup> Examining Barriers to Access: Ongoing Visitor Experience Issues at America's National Parks, Hearing before the House Natural Resources Subcomm. on Oversight and Investigations, 118 Cong. (2023) (Statement of Chair Paul Gosar).

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> Examining Barriers to Access: Ongoing Visitor Experience Issues at America's National Parks, Hearing before the House Natural Resources Subcomm. on Oversight and Investigations, 118 Cong. (2023) (Statement of Mike Reynolds).

<sup>41</sup> Rep. Paul Gosar, Rep. Gosar's Legislative Success Creates Jobs and Promotes Tourism around the Grand Canyon (Feb. 6, 2014), <https://gosar.house.gov/news/documentsingle.aspx?DocumentID=2208>.

Securing Growth and Robust Leadership in American Aviation Act,<sup>42</sup> which would require consideration of the economic viability of commercial air tour operations that would result from an ATMP, consultation with NPOAG, and prohibit changes to existing ATMPs.<sup>43</sup> The house passed H.R. 3935 on July 20, 2023, with a portion from Chairman Gosar’s original amendment requiring consultation with NPOAG, and the legislation is now on the Senate Calendar.<sup>44</sup>

On November 3, 2023, the House passed H.R. 4821, The Department of the Interior, Environment, and Related Agencies Appropriations Act,<sup>45</sup> which included an amendment from Rep. Troy Nehls (R-TX-22) which would “[prohibit] funds made available by this Act for the National Park Service to place any limitation on the number of air tours at national parks.”<sup>46</sup> The Senate has not taken up H.R. 4821 for a vote.

Access to the National Park System is a broad issue that must be addressed, especially for veterans and individuals with physical limitations. Representatives Scott Peters (D-CA-50) and Jen Kiggans (R-VA-02) introduced the Military and Veterans in Parks Act on November 9, 2023, which highlights the need for more options for those with physical limitations to access the National Park System, particularly our nation’s wounded warriors.<sup>47</sup> The legislation would direct the U.S. Forest Service, Bureau of Land Management (BLM), and NPS to “each develop adaptive trails and campgrounds in the regions they manage – as well as accessible hunting, fishing, and kayaking opportunities.”<sup>48</sup>

#### **IV. CONCLUSION**

FAA and NPS are moving forward with numerous heavy-handed ATMPs which create significant safety issues that will harm economic activity, limit access for Americans to the National Park System, and affect emergency services, without consulting with stakeholders, operators and the NPOAG. Air tour operators support gateway economies for the National Park System, provide an option for those with physical limitations to experience our national parks, and cause minimal environmental disturbance compared to other visitation methods. Further action is needed by Congress to correct the ATMP process.

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<sup>42</sup> Securing Growth and Robust Leadership in American Aviation Act, H.R. 3935, 118 Cong. (2023).

<sup>43</sup> H.R. 3935 - Securing Growth and Robust Leadership in American Aviation Act, House Committee on Rules (Last accessed Nov. 17, 2023), [https://amendments-rules.house.gov/amendments/GOSAR\\_073\\_xml230710223558654.pdf?\\_gl=1\\*1xacr0\\*\\_ga\\*OTU4MTY4OTU3LjE2ODcyNzk5NTY.\\*\\_ga\\_N4RTJ5D08B\\*MTcwMDIzNzg1OS4yLjEuMTcwMDIzODk1NS4wLjAuMA](https://amendments-rules.house.gov/amendments/GOSAR_073_xml230710223558654.pdf?_gl=1*1xacr0*_ga*OTU4MTY4OTU3LjE2ODcyNzk5NTY.*_ga_N4RTJ5D08B*MTcwMDIzNzg1OS4yLjEuMTcwMDIzODk1NS4wLjAuMA).

<sup>44</sup> H.R. 3935: Securing Growth and Robust Leadership in American Aviation Act, govtrack.us (Sep.21, 2023), <https://www.govtrack.us/congress/bills/118/hr3935/text>.

<sup>45</sup> The Department of the Interior, Environment, and Related Agencies Appropriations Act, H.R. 4821, 118 Cong. (2023).

<sup>46</sup> Amendments to H.R. 4821 – Department of the Interior, Environment, and Related Agencies Appropriations Act, 2024, The Republican Cloakroom (Nov. 2, 2023), <https://repcloakroom.house.gov/amendment/amendments-to-h-r-4821-department-of-the-interior-environment-and-related-agencies-appropriations-act-2024/>.

<sup>47</sup> Rep. Jen Kiggans, Kiggans Introduces Bill to Increase Access to National Parks for Disabled Veterans (Nov. 9, 2023), <https://kiggans.house.gov/posts/kiggans-introduces-bill-to-increase-access-to-national-parks-for-disabled-veterans>.

<sup>48</sup> *Id.*