



National Park Service
U.S. Department of the Interior

Big Cypress National
Preserve

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Air Tour Management Agreements Frequently Asked Questions

What is a commercial air tour? Under Federal Aviation Administration (FAA) regulations (14 CFR Part 136.33), a commercial air tour is any flight conducted for compensation or hire in a powered aircraft for sightseeing over a national park unit, within ½-mile outside the boundary of a unit of the national park system, or over tribal lands, during which the aircraft flies: a) at or below a minimum altitude of 5,000 feet above ground level (except for takeoff or landing, or as necessary for safe operation of the aircraft under FAA regulations); or b) less than 1 mile laterally from any geographic feature within the park (unless more than ½-mile outside the boundary). Nationwide, commercial air tour companies have interim operating authority (IOA) from FAA to fly approximately 289,000 commercial air tours a year over national parks. Additional air tour-related flights over parks (e.g., transportation over parks to other air tour destinations or for maintenance of aircraft), but not part of the IOA tracking, may number in the tens of thousands.

Were there air tours over Big Cypress National Preserve before these agreements? Yes. Robert C. Gretzke, doing business as Wings, has provided air tours over Big Cypress since before the National Parks Air Tour Management Act of 2000 (NPATMA) (49 U.S.C. § 40128) was enacted. Under this act, the FAA granted existing operators interim operating authority (IOA) to conduct air tours up to the number in each operator's application for such authority until development of an air tour management plan (ATMP) or an air tour management agreement. This authority does not specify routes or operating conditions other than the number of annual flights. The FAA granted IOA to Wings for 1,260 air tours a year over the preserve. The new air tour management agreement with Wings changes this number to 720. In 2012, a second company, Miami Seaplane Tours, Inc., applied for authority to conduct air tours over the preserve. The new agreement with Miami Seaplanes authorizes up to 252 flights per year.

What is an air tour management agreement? It is a voluntary agreement, signed by FAA, NPS and air tour operators at a specific park, that manages commercial air tour operations over the park to protect wildlife and other natural and cultural resources and for visitor use of the park without compromising aviation safety or the air traffic control system. At Big Cypress, these agreements establish conditions for air tours over the preserve, including routes and altitudes, number of flights, type of aircraft, hours of operation, and reporting requirements.

Why is this happening now? The FAA Reauthorization and Reform Act of 2012 amended air tour management law to allow the FAA, NPS, and commercial air tour operators to voluntarily enter into air tour management agreements, under certain circumstances, as a less time-

consuming alternative to developing air tour management plans (ATMP). At the preserve, the FAA and NPS decided to use management agreements rather than draft an ATMP.

Do these agreements apply to other aircraft flying over Big Cypress? No, they apply only to the two tour operators, Wings and Miami Seaplanes. Other aircraft and flights — including general aviation, commercial airlines, military overflights and air tour operators flying more than ½ mile outside the preserve boundary — are not subject to NPATMA requirements.

Was there any environmental review in the development of the air tour agreements? Yes, environmental effects of air tours on the preserve's resources were considered during development of the agreements. This included discussions with preserve staff and focused on wilderness and culturally sensitive areas. Noise modeling also was conducted, and the results were reviewed to ensure that the preserve's management objectives would continue to be met. As a result of this environmental review, current air tour routes were modified to further avoid impacts on sensitive resources. In addition, Section 3.1 of these agreements identifies management issues that must be addressed, including permanent rights of usual and customary use and occupancy by the Miccosukee and Seminole tribes, private property ownership, and wilderness restrictions.

How do these agreements protect wildlife, visitor experience, and wilderness? The routes set in the air tour management agreements minimize possible negative effects on wildlife, visitor experience, and wilderness in the preserve. Routes were intentionally drawn to avoid high visitor-use areas such as the Oasis Visitor Center and the H.P. Williams Wayside as well as eligible and proposed wilderness areas in the preserve to protect wilderness character.

Will tour aircraft be audible from the ground? Whether a preserve visitor on the ground can hear an air tour plane depends on a number of factors, including proximity to the flight path, other sources of noise, time of day, and the surrounding landscape. Visitors near an aircraft's flight path are more likely to hear the plane passing overhead. But other noise sources such as vehicles, people, wind and precipitation can mask the sound of an aircraft. Insect and other wildlife activity, especially in evening and early morning, can greatly reduce the effect of aircraft noise. Trees, buildings and terrain between a noise source and a visitor also may have an effect. In preparing the tour agreements, noise modeling was used to estimate where air tour noise could be heard on the ground.

How were air tour conditions developed for Big Cypress? Specifically, why is the minimum altitude for tours over the preserve 500 feet above ground level (AGL)? Don't the FAA air tour regulations define a minimum altitude of 5,000 ft AGL? These are two distinct "minimum altitudes." The minimum altitude of 5,000 ft described in the FAA regulations is the threshold at which the air tour laws apply; that is, commercial air tour flights *above* 5,000 ft are not subject to the regulations. However, the condition described in Section 4.0 of the agreements means that the air tour operators cannot fly below 500 ft when flying over the preserve. The conditions in Section 4.0 were based on management and resource concerns identified during the environmental review, results from noise analysis, discussions with the tour operators and preserve staff, and assessment of current air tours over Big Cypress. The 500-foot minimum over the preserve is considered appropriate because it does not interfere with preserve management objectives and because FAA regulations allow it.

Will these air tours fly over other national parks or other sensitive areas? Under the federal law governing air tours, these flights are regulated within ½ mile of a park unit's boundary. The Big Cypress agreements address only the portions of air-route routes that cross above the preserve and the ½ mile extension around its boundary. As noted in the air tour agreement with Wings, the company's "10,000 Island Tour" flies a route that also includes areas of Everglades National Park. Wings has interim authority to fly in that park and so is allowed to continue operating there until an Everglades agreement or ATMP is developed. In addition, the Wings agreement significantly reduces the number and extent of routes previously flown over nearby tribal lands.

Are air tour operators considered concessioners at the preserve? Do the air tour companies pay fees to the NPS? Air tours are not NPS concessions or preserve-sponsored activities. They are provided by nonaffiliated operators and regulated by federal aviation law. No fees are paid to the NPS and no concession contracts exist regarding air tours. The agreements are for the protection of preserve resources, visitor use and management objectives.

How will the NPS and FAA enforce the agreements? Compliance is accomplished through ongoing communication among the parties to the agreements (FAA, NPS, and air tour operators). Preserve staff and the existing operator (Wings) already have a good working relationship, and the same kind of cooperation is expected with the new operator. Procedures are in place for the FAA to address any issues of non-compliance. These agreements will be included in the air tour companies' operating specifications, which are issued and enforced by the FAA.

When and how will the agreements take effect? FAA will update the operating specifications for each operator to include the agreements within 90 days of Dec. 21, 2015, the day the agreements were signed. As an existing operator, Wings will continue to conduct tours under interim operating authority until the update of its operating specifications. After that, Wings will operate according to the terms of the agreement. Because Miami Seaplanes is a new operator over the preserve, it may begin tours once its operating specifications incorporate the agreement.

For further questions, please contact Bob DeGross, Chief of Interpretation and Public Affairs, Big Cypress National Preserve, bob_degross@nps.gov, 239-695-1107

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