

**AIR TOUR
MANAGEMENT PLAN
EVERGLADES NATIONAL PARK**

SUMMARY

This Air Tour Management Plan (ATMP) provides the terms and conditions for commercial air tours conducted over Everglades 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, 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:

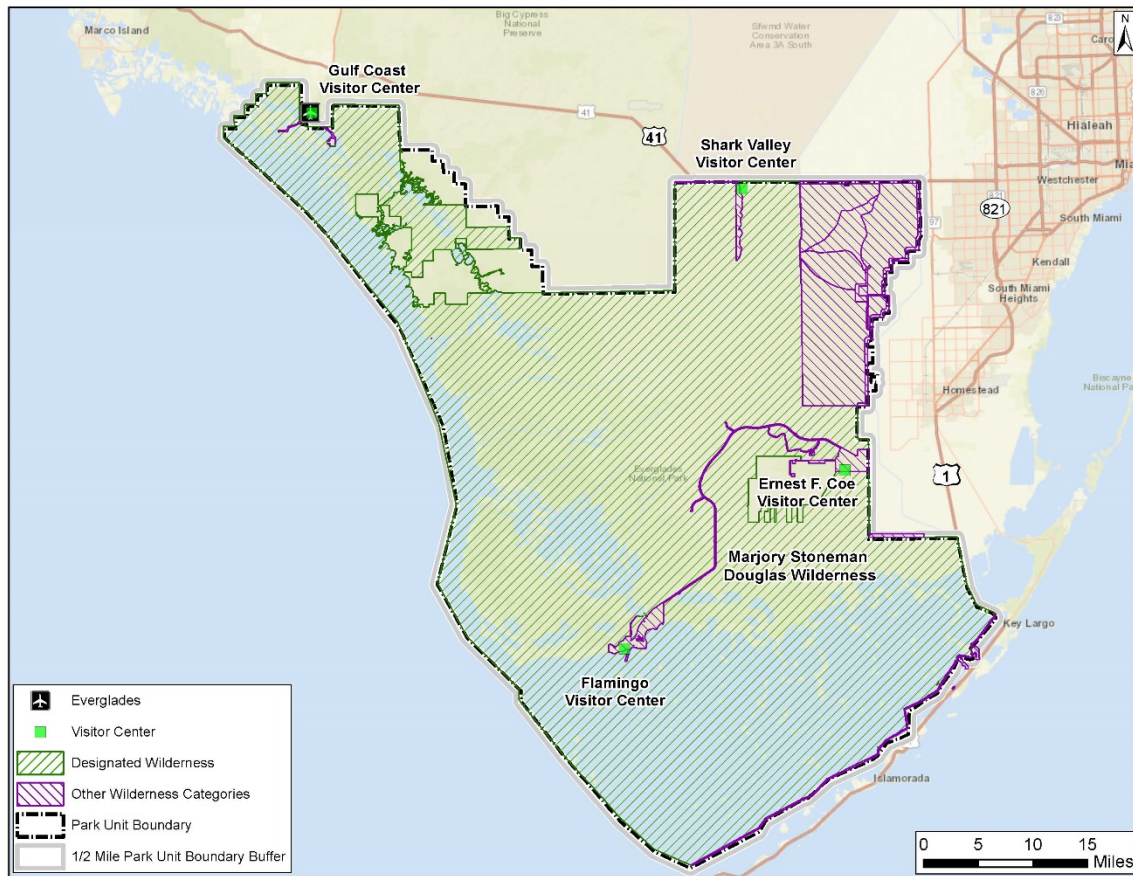
(1) Below 5,000 feet above ground level (except solely for the purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the FAA requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or

(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to the ATMP requirement for parks with 50 or fewer commercial air tour operations each year unless the exemption is withdrawn by the Director of NPS.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 Everglades National Park

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2.1 Park Overview

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The Park consists of 1,509,000 acres in Miami Dade County, Monroe County and Collier County, Florida. The Marjory Stoneman Douglas Wilderness comprises nearly 1,300,000 acres of the Park, including approximately 530,000 acres of submerged marine land wilderness. The Park also contains an additional 167,200 acres that are managed as wilderness in the categories of potential, proposed, and proposed potential wilderness. In total, approximately 97% of the Park is managed to preserve wilderness character. The Park protects an unparalleled landscape that provides important habitat for numerous sensitive and/or endangered species like the Florida manatee (subspecies of the West Indian manatee), American crocodile, Florida panther, and bald eagle. The acoustic environment of the Park is considered a natural resource itself, as well as a resource that influences wildlife habitat, visitor experience, cultural resources, wilderness character, and opportunities for interpretive programs.

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Reserved lands of the Miccosukee Tribe of Indians of Florida are within the Park boundary, and tribal use of the land within the Park is ongoing by the Miccosukee Tribe and Seminole Tribe of Florida. Other tribes also attach religious or cultural significance

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to areas within the Park. Additionally, the Park is a landscape filled with other types of cultural resources such as archaeological sites, historic buildings, and historic districts.

Annually, the Park averages 1,000,000 visitors, with visitation generally highest December through April. Visitor points of interest include frontcountry and wilderness campgrounds, four visitor centers, and trails. Education and interpretative programs occur across the Park, primarily at developed areas including the Gulf Coast Visitor Center area, the Flamingo Visitor Center area, Ernest F. Coe Visitor Center, and Shark Valley Visitor Center areas. The Gulf Coast Visitor Center, which is near the Everglades Airpark, includes interpretive boat (motorized) tours and kayak and canoe rentals.

The purpose of the Park is to preserve the largest subtropical wilderness in the nation, a vast natural area in the southern Everglades and Florida Bay known throughout the world for its unparalleled ecological values, natural hydrologic conditions, vibrant cultural heritage, and unique recreational and educational opportunities. 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.
- Acoustic resources of the Park 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.
- Park staff can conduct, and visitors are able to experience, interpretive programming with minimal interference due to noise.
- Natural sounds are protected to conserve healthy and robust wildlife populations. Natural biological and ecological processes should dominate the sounds within the Park.

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

3.1 Annual Commercial Air Tours Authorized

Under this ATMP, 64 annual commercial air tours are authorized. 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 routes in Figure 2 below (Appendix B contains an enlarged Figure 2). At the Park, air tours will fly no lower than 1,050 ft. mean sea level (MSL). Except when necessary for takeoff or landing, or 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.

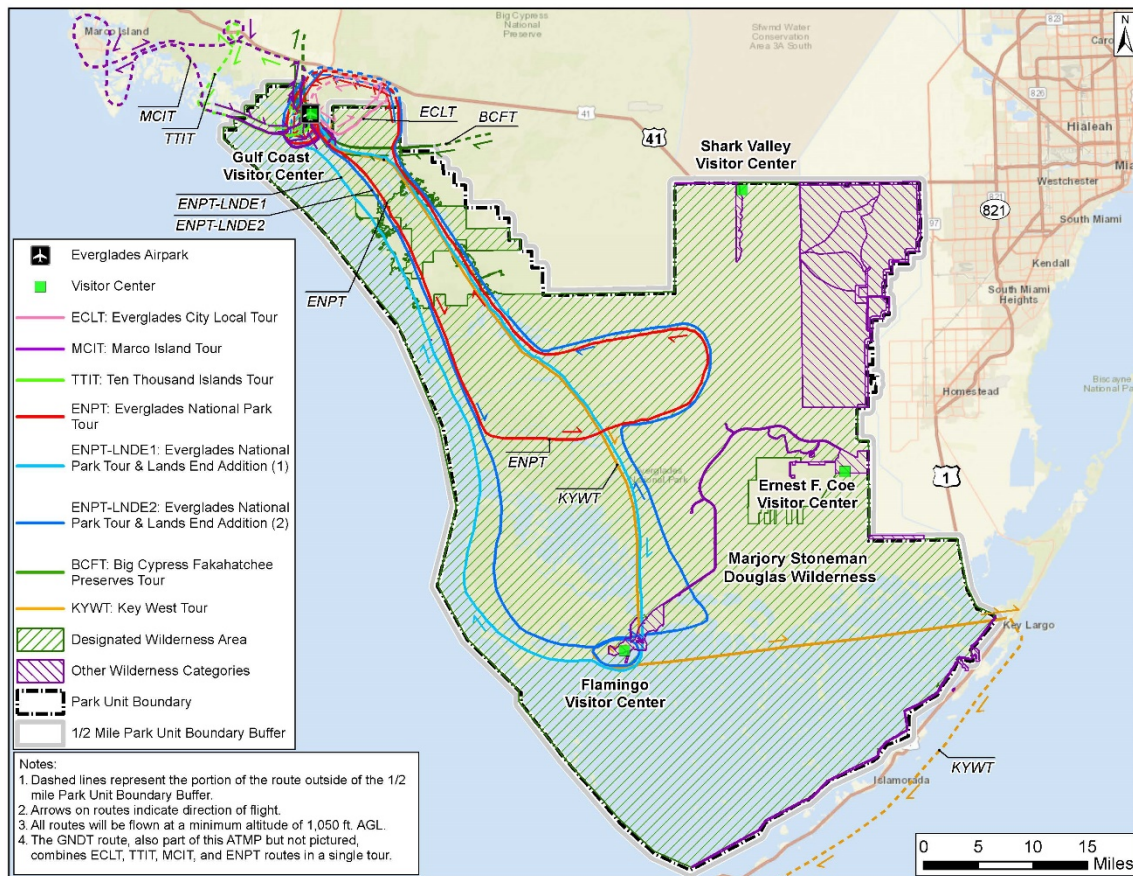


Figure 2. Commercial air tour routes at Everglades National Park

3.3 Aircraft Type

The aircraft type authorized to be used for commercial air tours is 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,” commercial air tours may operate one hour after sunrise until one hour before sunset, as defined by the National Oceanic and Atmospheric Administration (NOAA).² Air tours may operate any day of the year, except under circumstances provided in the following section entitled “Restrictions for Particular Events.”

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

1 3.5 Restrictions for Particular Events

2 The NPS can establish temporary no-fly periods that apply to air tours for special events
3 or planned Park management. Absent exigent circumstances or emergency operations,
4 the NPS will provide a minimum of one-week notice to the operator in writing in advance
5 of the no-fly period. Events may include, but are not limited to, tribal ceremonies or
6 other similar events.

7 3.6 Required Reporting

8 The operator will submit to the FAA and the NPS semi-annual reports regarding the
9 number of commercial air tours over the Park that are conducted by the operator. These
10 reports will also include the flight monitoring data required under Section 5.1 of this
11 ATMP and such other information as the FAA and the NPS may request. Reports are
12 due to both the FAA and the NPS no later than 30 days after the close of each reporting
13 period. Reporting periods are January 1 through June 30 and July 1 through December
14 31. The operator shall adhere to the requirements of any reporting template provided by
15 the agencies.

16 3.7 Additional Requirements

17 3.7A Operator Training and Education: When made available by Park staff, the
18 operator/pilot will take at least one training course per year conducted by NPS
19 staff. The training will include the Park information that the operator can use to
20 further their own understanding of Park priorities and management objectives as
21 well as enhance the interpretive narrative for air tour clients and increase
22 understanding of parks by air tour clients. For example, trainings may include
23 natural resources, cultural resources, or visitor use specific topics.

24 3.7B Annual Meeting: At the request of either of the agencies, the Park staff, the
25 local FAA Flight Standards District Office (FSDO), and the operator will meet
26 once per year to discuss the implementation of this ATMP and any amendments
27 or other changes to the ATMP. This annual meeting could be conducted in
28 conjunction with any required annual training.

29 3.7C In-Flight Communication: For situational awareness when conducting tours
30 of the Park, the operator will utilize frequency 122.9 and report when they enter
31 and depart a route. The pilot should identify their company, aircraft, and route to
32 make any other aircraft in the vicinity aware of their position.

33 3.8 Quiet Technology Incentives

34 This ATMP incentivizes the adoption of quiet technology aircraft by the commercial air
35 tour operator conducting commercial air tours over the Park. On all days that flights are
36 authorized, if the operator has converted to quiet technology aircraft, the operator will be
37 allowed to conduct tours beginning at sunrise or ending at sunset. If implementation of
38 this incentive results in a change in existing conditions or a change in the effects of air

1 tour noise on Park resources or visitor enjoyment, additional analysis may be required in
2 order to ensure the continued effectiveness of the incentive.

3 **4.0 JUSTIFICATION FOR MEASURES TAKEN**

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

7 Under the Act, the FAA granted Interim Operating Authority (IOA) for air tours over the
8 Park. IOA does not provide any operating conditions (e.g., routes, altitudes, time of day,
9 etc.) for air tours other than an annual limit. The IOA for the Park was 674 annual
10 flights.

11 The total number of air tours authorized under this ATMP is consistent with the existing
12 air tours reported over the Park. It is based on the 3-year average of the total air tours
13 reported in 2017, 2018 and 2019. The annual flight limit of 64 in this ATMP is intended
14 to protect visitor experience, wildlife, and wilderness areas throughout the Park by
15 limiting the number of potential disturbances caused by commercial air tours.

16 The condition that commercial air tours may fly no lower than 1,050 ft. MSL under this
17 ATMP is intended to protect bald eagles from the impacts of commercial air tours and is
18 consistent with the National Bald Eagle Management Guidelines (2007).³ Nesting eagle
19 habitat exists throughout the Park, and nest locations may change over time. Therefore,
20 the minimum altitude restriction extends uniformly to all routes over the Park.
21 Additionally, this provision will improve preservation of wilderness character and visitor
22 experiences on the ground by reducing the intensity of air tour noise to visitors on the
23 ground. Furthermore, it will avoid or minimize potential effects on other avian species
24 by reducing the noise intensity of air tour events in the areas nearest the routes.

25 Sunrise and sunset are important times of the day for wildlife and visitor use and
26 experience. Biologically important behaviors for many species occur during this time,
27 such as the dawn chorus for songbirds. Wildlife viewing is often conducted during this
28 time of day as well. Although according to reporting data no air tours currently fly
29 within an hour of sunrise or sunset, day/time restrictions have been included in this
30 ATMP to protect these Park resources and visitor experience. Restrictions for particular
31 events are intended to prevent noise interruptions of Park events or tribal practices.

32 Operator training and education facilitates effective implementation of the ATMP by
33 making sure that the operator remains informed regarding the requirements of this ATMP
34 including any adaptive management measures or amendments, advances operator
35 understanding of Park management objectives and priorities, including noise sensitive
36 areas, and provides opportunities to enhance the interpretive narrative for air tour clients
37 and increases understanding of parks by air tour clients. The annual meeting will be used

³ National Bald Eagle Management Guidelines (2007). U.S. Fish and Wildlife Service.

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 are aware of the terms and conditions of this ATMP and are 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 within 180 days of the effective date of this ATMP. For aircraft not already equipped

1 with flight monitoring technology, within 180 days of the effective date of this ATMP,
2 operators shall equip those aircraft with suitable flight monitoring technology.

3 **6.0 NEW ENTRANTS**

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

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

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

20 **7.0 COMPETITIVE BIDDING**

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

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

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

34 **8.0 ADAPTIVE MANAGEMENT**

35 Adaptive management allows for minor modifications to this ATMP without a formal
36 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, 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.

11.0 EFFECTIVE DATE

This ATMP is effective [date].

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<INSERT name>, Superintendent
Everglades National Park
National Park Service

[Name], [Title]
[Office]
Federal Aviation Administration

<INSERT name>, Regional
Director
Unified Interior Region 2: South
Atlantic-Gulf
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
Robert C. Gretzke DBA Wings Aero Tours	64	No set limit	CE-206-U206E

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
Robert C. Gretzke DBA Wings Aero Tours	One hour after sunrise until one hour before sunset	The NPS can establish temporary no-fly periods that applies to air tours for special events or planned Park management.

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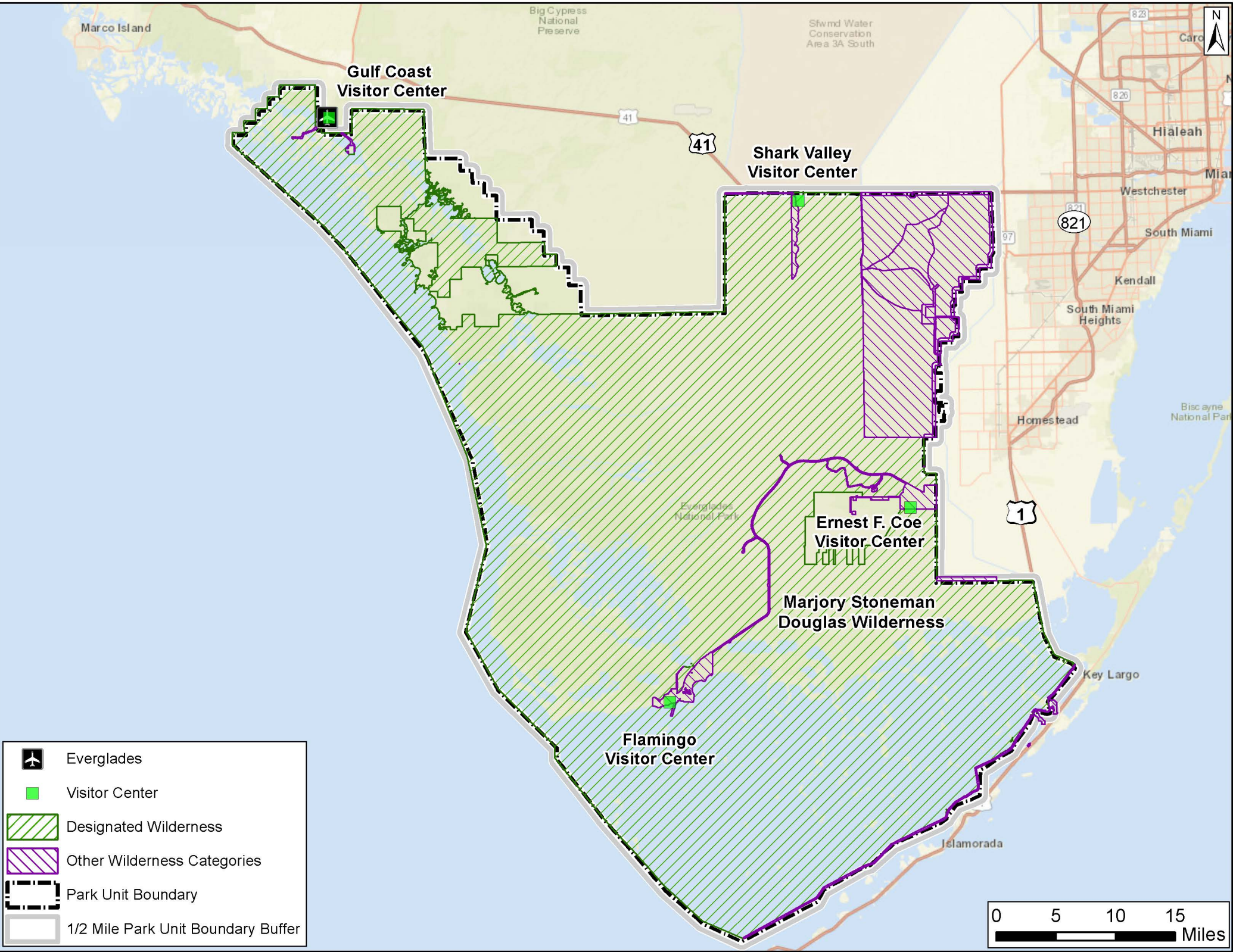
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APPENDIX B

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5 Enlarged Figures 1-3



Everglades



Visitor Center



Designated Wilderness



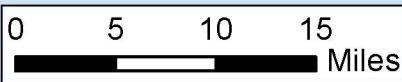
Other Wilderness Categories

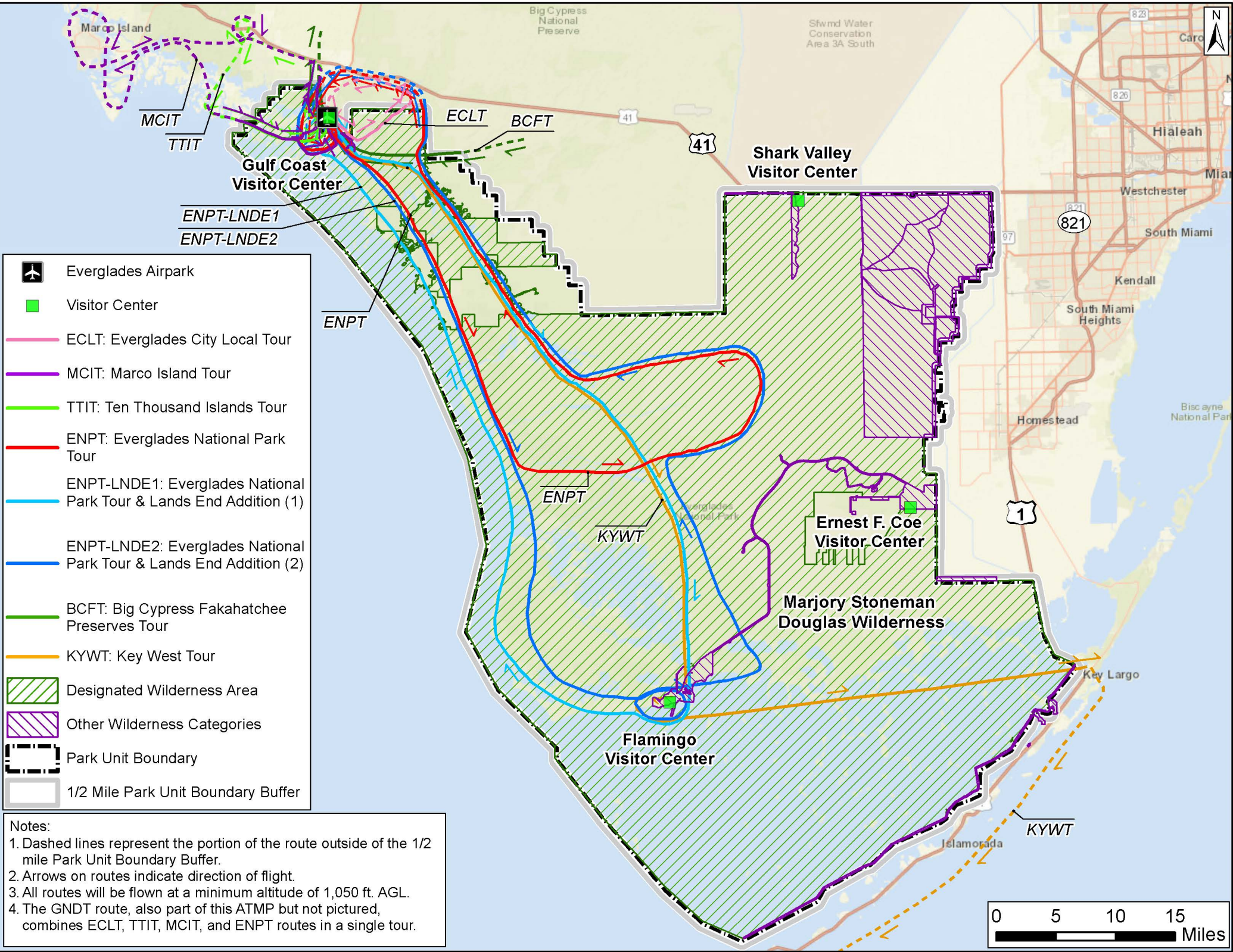


Park Unit Boundary



1/2 Mile Park Unit Boundary Buffer

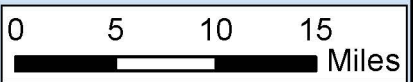


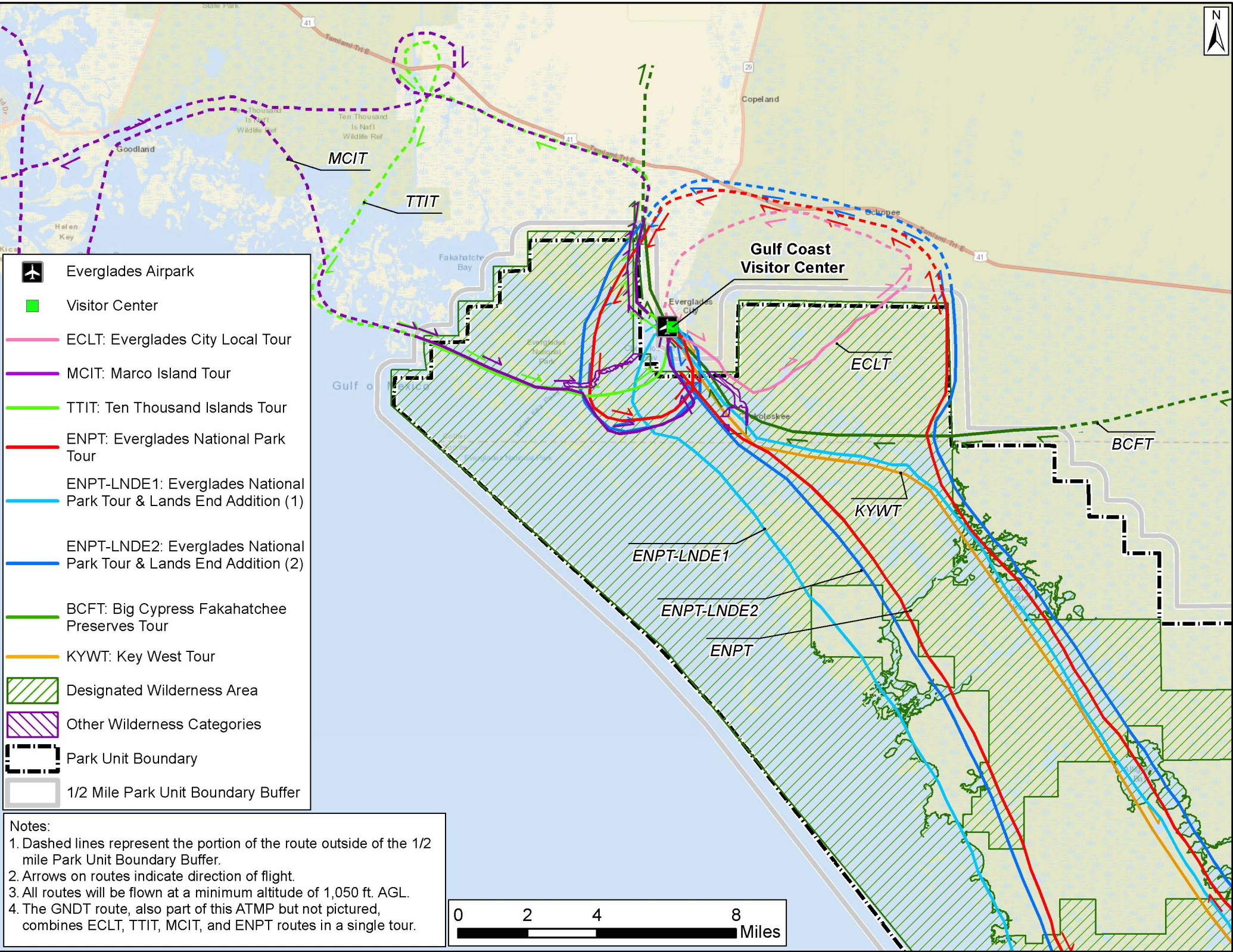


- Everglades Airpark
- Visitor Center
- ECLT: Everglades City Local Tour
- MCIT: Marco Island Tour
- TTIT: Ten Thousand Islands Tour
- ENPT: Everglades National Park Tour
- ENPT-LNDE1: Everglades National Park Tour & Lands End Addition (1)
- ENPT-LNDE2: Everglades National Park Tour & Lands End Addition (2)
- BCFT: Big Cypress Fakahatchee Preserves Tour
- KYWT: Key West Tour
- Designated Wilderness Area
- Other Wilderness Categories
- Park Unit Boundary
- 1/2 Mile Park Unit Boundary Buffer

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.
3. All routes will be flown at a minimum altitude of 1,050 ft. AGL.
4. The GNDT route, also part of this ATMP but not pictured, combines ECLT, TTIT, MCIT, and ENPT routes in a single tour.





- Everglades Airpark
- Visitor Center
- ECLT: Everglades City Local Tour
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- TTIT: Ten Thousand Islands Tour
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