

Lake Mead National Recreation Area

Air Tour Voluntary Agreement:

Frequently Asked Questions

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What is the purpose of this air tour voluntary agreement (Agreement)?

The Agreement's purpose is to manage commercial air tours in a way that will address park management issues by protecting park natural and cultural resources and visitor experience without compromising aviation safety or the air traffic control system. When completed, this Agreement will establish conditions for commercial air tours of Lake Mead National Recreation Area (NRA) as well as portions of two national monuments within the congressional boundary of the NRA. The Agreement specifies where tours can fly, altitudes, flight direction, and reporting requirements.

The parks have had commercial air tours for years. Why are you doing this now? Aren't there rules for air tours already, like "Interim Operating Authority"?

Yes, air tours have been flown over these parks since before Congress passed the National Parks Air Tour Management Act of 2000. This law (called NPATMA for short) was created because Congress was concerned about the effects that noise from tour aircraft was having on National Park Service resources and visitor experience. As the name suggests, Interim Operating Authority was intended to be temporary and therefore did not set routes or other operating conditions other than an annual number of air tours. It was intended to be a placeholder until an ATMP or Voluntary Agreement was implemented.

Due to the complex nature of the Las Vegas Class B airspace around the Park, including both air tour operations and transportation routes for air tours from Clark County to Grand Canyon National Park, the FAA, NPS, and air tour operators developed the Agreement to address these unique challenges while protecting Park resources and ensuring safe air tour operations.

Does this Agreement address air tours that go to Grand Canyon and cross Lake Mead?

Air tours that cross over Lake Mead on their way to give a tour of Grand Canyon National Park do not use a Lake Mead Authorization to fly over the park. NPATMA states that "An air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route." This Agreement aims to understand and mitigate the impacts of air tour operations over the park by clarifying reporting requirements in accordance with NPATMA.

What will the Agreement allow?

Operators will continue conducting air tours over the parks but with new conditions. There are no reductions in the number of air tours authorized for an initial three-year monitoring period. The Agreement would continue to require air tour reporting but clarifies the reporting requirement (Section

6.0) for air tours over Lake Mead to establish more consistent reporting among operators that will provide the agencies a better understanding of the amount of commercial air tours that fly over the Park and the amount of commercial air tours that are classified as a transportation route per NPATMA. The agreement includes the protection of priority areas and priority issues throughout the park. There are minimum altitudes set for the distance above ground level (AGL). In this agreement helicopters will fly 1,000 ft AGL and fixed wing aircraft will fly 1,500 ft AGL minimums. Due to terrain and safety considerations, there are two exceptions for these minimum altitudes where aircraft can fly lower (described in Section 4.7). FAA determined that the Agreement would not conflict with the Las Vegas Class B airspace or the Grand Canyon Special Flight Rules Area. We expect this agreement will be updated after the three-year reporting period.

How were the operating conditions created?

The operating conditions were established by reviewing existing routes, FAA safety and NPS resource protection requirements, the Las Vegas Helicopter Air Tours Route Standardization Agreement, and as required by NPATMA, the natural and cultural resource management issues at the Park. Tribal consultation was also conducted and informed operating conditions. Several meetings among FAA, NPS, and the operators were held where various operating parameters were discussed and maps with priority management areas overlaid by existing operator routes were reviewed.

What are the existing commercial air tour operations at the park? How will conditions under the voluntary agreement be different from what is currently occurring?

The Agreement boundary includes all of Lake Mead National Recreation Area including portions of Parashant National Monument and Avi Kwa Ame National Monument that are managed by the National Park Service. Six operators were granted Interim Operating Authority (IOA) to conduct a combined total of 35,931 commercial air tours per year over the park. IOA does not set routes or operating conditions for an operator except to limit the number of air tours the operator is permitted to fly each year. In addition to Agreements with the six operators that hold IOA, there will also be an Agreement with a new operator who applied to FAA and NPS for authority to conduct air tours over the Park. The Agreement includes conditions designed to protect natural and cultural resources and visitor experience by specifying the number of authorized air tours, routes, altitude, aircraft type, day or time restrictions, and restrictions for particular events.

Was there an environmental review for this Agreement?

The Agreement was made available for public review and the agencies consulted with all affiliated Indian tribes including those whose lands will or could be flown over by an air tour operator under the conditions allowed in the Agreement. The Act (NPATMA) states that if those two conditions are met (opportunity for public review and Tribal consultation), then FAA and NPS can implement the Agreement without the need for any further administrative or environmental process such as the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), or the National Historic Preservation Act (NHPA). Notwithstanding, as part of the process involved in the development of the Agreement, NPS considered a good deal of information including noise modeling and monitoring, resource condition monitoring and assessments, and scientific literature regarding possible effects from air tour noise. Section 3.1 of the Agreement addresses management issues including the acoustic environment, wilderness, wildlife, cultural resources, and visitor experience. The draft Agreement is currently available for public review at <https://parkplanning.nps.gov/LakeMeadAirToursVA>

Were Native American tribes consulted during the development of this Agreement?

NPATMA requires the NPS and the FAA to consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator. Additionally, both FAA and NPS are required under various different authorities and legal obligations to conduct Government to Government consultation with affected Indian tribes. The agencies conducted outreach to 18 affiliated Native American tribes and indigenous organizations in the geographic area that will be covered by the Agreement.

How would the proposed VA protect tribal lands, properties, ceremonies, or practices?

The park worked with the FAA and the air tour operators to move flights that occurred over the new Avi Kwa Ame National Monument to the east side of Lake Mohave to avoid noise and visual impacts to the new monument and Spirit Mountain within the monument. Additionally, the VA provides for scheduling temporary pauses of flights over specific areas for tribal ceremonial purposes. Tribes have provided preliminary concerns and may continue to provide comments throughout the public comment period. Consultation with the Tribes will continue for the life of the Agreement. The Agreement may include additional conditions as identified during ongoing consultation with tribes, now or in the future.

Does this mean there will be less noise from commercial air tours?

The VA includes several measures intended to reduce air tour noise; particularly in areas the parks identified as high management priorities. Whether a visitor on the ground hears an air tour aircraft depends on several factors, including how close they are to aircraft flight paths and other noise sources, time of day, and the surrounding landscape. Visitors near an air tour flight path are more likely to hear the aircraft passing overhead. Buildings, vegetation, and terrain of the area may also have an effect on how loud an air tour sounds to someone on the ground. Increasing the elevation that air tours and transportation routes fly over the park will reduce the level of noise as well.

Would this Agreement apply to other aircraft flying over the parks?

No, it is only for commercial air tour operations. NPATMA regulates commercial air tours, which it defines as:

Any powered aircraft flights for pay or hire that are meant for sightseeing over an NPS park unit and flown within half a mile of the park boundary, below 5,000 ft. above the ground, and less than 1 mile laterally from any geographic feature in the park.

NPATMA does not apply to commercial airline flights, military flights or general aviation.

How many operators are included in this Agreement?

The FAA and NPS intend to enter into Agreements with seven operators; six operators that currently hold interim operating authority for the parks, as well as one new operator that has applied for authority to conduct tours of the parks.

Where can I read about this Agreement and how do I submit comments?

The public is encouraged to submit official comments on the Draft Agreement through this NPS PEPC website: <https://parkplanning.nps.gov/LakeMeadAirToursVA>. You can access the Draft Agreement by clicking "Open for Comment" on the left side of this page and then clicking on the link to the Draft Agreement under "Select a document to review and comment". Select the "Comment Now" button to enter your official comments on the Draft Agreement. Comments will not be accepted by email. Before including your address, phone number, e-mail address, or other personal identifying information in your

comment, be advised that your entire comment (including your personal identifying information) may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

What happens after the Draft Voluntary Agreement is made available for public review?

Agencies will consider comments received on the Draft VA and continue consultations with operators and tribes to finalize the VA.

How will the NPS and FAA enforce the Agreement?

The NPS and the FAA are both responsible for oversight and enforcement of the Agreement within their respective agency jurisdictions. Any party, stakeholder, or member of the public can identify instances of alleged non-compliance with this Agreement, including through the use of ADS-B or other flight tracking data. Allegations of non-compliance with this Agreement will be reported to the appropriate Flight Standards District Office (FSDO). The FSDO will investigate and respond to all written reports consistent with applicable FAA guidance.

Investigative determination of non-compliance with this Agreement may result in loss of authorization to conduct commercial air tours authorized by this Agreement and termination of this Agreement. Any violation of operations specifications (OpSpecs) shall be treated in accordance with FAA Order 2150.3, *FAA Compliance and Enforcement Program*.

About the National Park Service: More than 20,000 National Park Service employees care for America's over 420 national parks and work with communities across the nation to help preserve local history and create close-to-home recreational opportunities. Learn more at the [National Park Service](#) website.