October 2, 2021

National Park Service
Natural Sounds and Night Skies Division
GLAC ATMP
1201 Oakridge Dr., Suite 100
Fort Collins, CO 80525

Submitted via electronic mail on the NPS planning website

Dear National Park Service,

Thank you for the opportunity to submit comments on Glacier National Park’s draft Air Tour Management Plan (ATMP) that has been released by the National Park Service (NPS) and the Federal Aviation Administration (FAA). I offer the following comments on behalf of Glacier-Two Medicine Alliance and our hundreds of members.

Glacier-Two Medicine Alliance (GTMA) is a grassroots conservation organization based in East Glacier Park that works to protect and steward the lands, waters, and wildlife of the Badger-Two Medicine and surrounding public lands in Montana’s Crown of the Continent ecosystem, including Glacier National Park. We have long supported the Park’s goal to end commercial overflights to protect the natural soundscape of the park. We are a founding member of the Quiet! Glacier Coalition, a coalition of over 33 local and national organizations committed to ending commercial air tours in Glacier. GTMA appreciates the draft ATMP’s reiteration of the Park’s longstanding commitment to phase out commercial air tours. Ending air tours is necessary to prevent adverse impacts to the park’s natural and cultural resources, wildlife, tribally-significant locations, and visitor enjoyment. However, the draft ATMP does not enact provisions to ensure this outcome, nor does it provide sufficient justification for the operator attrition process it proposes nor the stipulations on overflights the plan would enact. Therefore, we offer the following comments to strengthen the ATMP in protecting natural and cultural resources and visitor experiences.

General Comments
Glacier National Park has long been prized by visitors for its outstanding natural soundscape. Since the early days of the park, visitors have come here to escape the sounds and congestion of urban areas. Glacier’s tranquility was cited as a supporting rationale for its designation as the world’s first International Peace Park, and again as a rationale for the Secretary of Interior’s 1974 recommendations that nearly 90% of the Park be designated as Wilderness. The opportunity to experience nature in peaceful contemplation, to enjoy natural sounds, and to get away from urban sounds and evidence of human activities, especially in Glacier’s recommended wilderness, remains extremely valuable to GTMA’s members, as well as to much of the broader public. Commercial air tours degrade visitor enjoyment by infusing loud, non-human sounds that disrupt the quiet enjoyment of the park as well as create visual intrusions that impede enjoyment of the scenic qualities of the park. Commercial air tours can also have severe impacts on sensitive wildlife species.
like federally-protected grizzly bears as well as cultural resources, especially places and uses of important to the park's indigenous peoples.

In order to protect park resources, wildlife, and visitor experience, GTMA strongly recommends the ATMP eliminate all commercial air tours from Glacier National Park within five years of the date the plan is adopted. A firm date, rather than the indefinite attrition process created by the draft ATMP, would ensure the Park finally reaches its goal of zero overflights established in the 1999 General Management Plan (GMP) and repeatedly re-iterated in planning documents and public comments since. A firm date would also provide certainty to the public that air tour operations will actually cease and, importantly, provide certainty for operators by which they can make business decisions.

The National Park Service has the authority to set a firm date in the ATMP by which commercial air tours over Glacier will end. In fact, the National Parks Air Tour Management Plan explicitly states that “an air tour management plan for a national park may prohibit commercial air tour operations over a national park in whole or in part.” The NPS Organic Act and General Authorities Act (16 USC § 1) clearly state the NPS’s primary duty is to prevent adverse impacts to park resources and to provide for public enjoyment of resources in an unimpaired state. The draft ATMP fails to articulate how continuing air flights – potentially indefinitely – fulfills the NPS mission.

Furthermore, the NPS has a duty to protect wilderness character in the nearly 90% of Glacier National Park that has been recommended for inclusion in the National Wilderness Preservation System. Congressional intent, reinforced by NPS Management Policies and NPS Directors Order #41 on Wilderness Stewardship is for these lands to be managed as wilderness until Congress decides whether or not to officially designate them as such. Managers key responsibility in this regard is to ensure that it does not allow any unavoidable activities that adversely affect wilderness characteristics or values that make the area eligible for designation as Wilderness. This includes a duty to protect visitor solitude, which can be understood as the opportunity for park visitors to experience these lands free from the intrusion of modern, industrial sounds. The noise and visual intrusion caused by helicopters and other commercial air tour aircraft is certainly noticeable and degrades wilderness character. Therefore, the NPS should not invite air tours to continue in recommended wilderness without scientifically-defensible justification for how such activities do not derogate wilderness values. The draft ATMP fails to do so.

The NPS also has a duty to prevent any activities likely to cause jeopardy or otherwise take species listed under the Endangered Species Act, such as grizzly bears which are listed as Threatened. It’s worth noting that the word “take” means harassed, harmed, or pursued, not merely killed. It’s easy to imagine scenarios where air tours inadvertently harass, harm, or pursue listed species due to their low altitude flight pattern and noise. The NPS carries out its duties to protect grizzly bears under the act in part by participation in the Northern Continental Divide Ecosystem Grizzly Bear Conservation Strategy which requires the Park to maintain a baseline amount of core habitat. The NPS should consult with the U.S. Fish and Wildlife Service under Section 7 of the ESA to ascertain whether the commercial air tours allowed under the draft ATMP will negatively impact grizzly bears and the park’s ability to maintain core habitat. Similar consultation should be conducted relevant to the proposed air tours impacts on threatened Canada lynx as well as wolverines, which are a candidate species.

Finally, the draft ATMP provides no rationale for slowly phasing out commercial air tours through attrition rather than by a defined date. Only a tiny fraction of 1% of visitors to GNP take a

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1 49 USC § 40128(b)(3)(A)
2 See NPS Management Policies (2006) 2.3.1.10
commercial air tour. The number of operators and flights flown has been in steady decline, suggesting limited public demand. Yet each air tour has an impact on hundreds if not thousands of park visitors. The NPS is mandated to prevent adverse impacts to park values, resources, and visitor enjoyment. In recent years, Glacier has taken significant strides to protect other precious, non-tangible natural resources, such as natural darkness, an effort for which it was recently recognized as the world’s first Transboundary International Dark Skies park. For all the reasons discussed above, it’s twenty years past time Glacier make the same strong commitment to protecting its outstanding natural soundscape as it has to its night skies by definitively ending noisy commercial overflights in its ATMP.

**Comments and Recommendations on Specific Sections of the draft ATMP**

In the event air tours are permitted to continue beyond the date the ATMP is enacted, GTMA recommends the following plan revisions in order to minimize the impacts of continued air tours on park resources and visitor experience.

**Section 3.2 Commercial Air Tour Routes and Altitudes**

The draft ATMP presently permits operations on routes that fly almost entirely over recommended wilderness, including over no less than eight (8) backcountry campsites (Lake McDonald, Arrow Lake, Granite Park, Gunsight Lake, Lake Ellen Wilson, Lincoln Lake, Harrison Lake, Sperry) and both of Glacier’s historic backcountry chalets. In addition to violating the NPS management policies pertaining to recommended wilderness by harming visitors seeking to experience natural sounds in Glacier’s backcountry, the routes fly over areas of important habitat for grizzly bears, lynx, wolverine, mountain goats, big horn sheep and other sensitive or federally protected species. Ironically, the routes proposed appear to violate the aircraft-specific guidance related to wildlife that the ATMP itself cites to justify the routes. For example, guidance from the U.S. Forest Service and U.S. Fish and Wildlife Service “suggests focusing lower-level aircraft traffic over roads to avoid core habitat” for grizzly bears and avoiding mountain goat and big horn sheep habitat.

The ATMP should change the permitted routes to restrict air tour operations entirely within ½ mile of the Going-to-the-Sun Road corridor. Restricting flights to this already developed and noisy corridor would best protect the wilderness character of Glacier’s recommended wilderness areas, minimize acoustical impacts to park visitors, and minimize acoustical impacts to grizzly bears and other sensitive wildlife species. The Park should post information about the air tour routes on its website and in backcountry offices so the public knows whether the trails and areas of the park they are visiting are likely to be disturbed visually and acoustically by commercial air tours.

Additionally, the draft ATMP states that "air tours will fly no lower than 2,600 feet (ft.)" above ground level (AGL). However, except for reference to the National Bald Eagle Management Guidelines, the draft ATMP provides no supporting rationale for why this minimum elevation was selected. The NPS and FAA should more thoroughly explain the reasoning behind the 2,600' AGL requirement, including reference to acoustic studies or modeling that quantify the sound decibels heard at ground level from overflights operating at different elevations above ground level as well as the variation in potential impacts on visitors and wildlife (other than eagles) that these different acoustical disturbances create. Only then can the public judge whether 2,600' AGL is a scientifically-defensible stipulation.

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3 NPS Management Policies 6.3.1
4 ATMP lines 231 – 232.
Another concern with the AGL is the reliance on bystanders to report any potential violations of the AGL requirement. It is entirely conceivable that many violations will go unreported or their accuracy be difficult to verify in a fair, accurate, and efficient manner. Rather than rely solely on bystander reports of apparent violations, the NPS should require operators collect flight data that tracks routes and altitude throughout each flight and that this data be submitted as part of operators semi-annual reporting requirements. This would be a more efficient and accurate mechanism by which to ensure compliance with all route, hovering, and altitudinal requirements, as well as assist investigators following up on bystander reports.

Section 3.4 Day/Time and Section 3.8 Quiet Technology Incentives

The draft ATMP states that "air tours may operate one hour after sunrise until one hour before sunset" but that aircraft employing quiet technology "will be allowed to conduct tours beginning at sunrise or ending at sunset on all days that flights are authorized." These operational time restrictions make intuitive sense because for many wildlife species including grizzly bears biologically important behaviors occur near sunrise and sunset. However, the hours of operation permitted for commercial air tours over GNP should be based on what the best available science indicates is necessary to minimize adverse impacts to wildlife, not intuitive judgement. Unfortunately, the ATMP provides no scientific justification (nor any rationale) for why these time restrictions were selected. The final plan needs to provide a justifiable rationale that ensures operational hours protect species listed under the Endangered Species Act as well as other sensitive species.

What constitutes quiet technology is also entirely unclear. The ATMP should establish clear standards for what counts as quiet technology and how its use will be monitored. It also needs to make the auditory differences between quiet technology and standard technology for all aircraft types clear to the public. Furthermore, the NPS should explain how the effects of air tours that have adopted quiet technology will be monitored to assess whether their operations during extended hours are having any adverse impacts on wildlife or visitors.

Section 3.5 Restrictions for Particular Events

The ATMP should require no-fly periods during raptor migrations in the spring and fall as well as authorize no-fly periods for periods of sensitive wildlife activity, not solely for administrative, social, or cultural events. For example, the flight paths proposed (including our suggested change) bisect an important raptor migration path across the McDonald valley. Air Tours should be prohibited through this zone while migration is happening.

Section 3.6 Required Reporting and Section 5.1 Aircraft Monitoring Technology

The draft ATMP states that "Operators will submit ... semi-annual reports" regarding their commercial air tours along with associated flight monitoring data collected from the tours. This information will be provided to both the FAA and NPS. The draft ATMP should specify who (department or personnel) at the FAA and NPS will review these reports and what specific actions might be taken against an operator if non-compliance is found with the number of permitted tours or any of the restrictions related to height, time of day, and route. These reports, and any identification of non-compliance by an operator, should also be available to the public upon request.

Section 3.7A Operator Training and Education

The draft ATMP states that operators/pilots will be invited to attend an annual spring time interpretative training the Park hosts for concessionaires. Operators and Pilots should be required to
attend this interpretive training. In addition, the ATMP should require operators and pilots attend a training approved or provided by the Tribal Historic Preservation Office of the Blackfeet Nation and the Tribal Preservation Department of the Confederated Salish and Kootenai Tribes. This will not only enhance the visitor experience, but increase the likelihood interpretation recognizes tribal perspectives and connections to Glacier National Park.

Section 3.7B Annual Meeting
The draft ATMP specifies that staff from the FAA and NPS will meet once per year with all operators "to discuss the implementation of this ATMP and any amendments or other changes to the ATMP." Any such meeting needs to also be open to the general public so that the FAA and NPS may receive input from park users on how well the ATMP is being implemented and how the public feels about any proposed changes or amendments to the ATMP.

Section 3.7D Wildlife Avoidance
The draft ATMP states that operators should "avoid flying low over ungulate herds" during the winter months (January 15 to May 1) "in order to prevent stress to wintering ungulates." To minimize impacts, the draft ATMP requires either a lateral movement of a ¼ mile or a 1,000’ elevation gain. Additional avoidance measures are entirely appropriate. However, the draft ATMP fails to justify why it selected these distance and elevation adjustments. The final plan needs to provide a scientific rationale so the public can be confident these distances are sufficient to minimize stress on wintering ungulates and other sensitive species. Also, ungulates (such as elk) congregate during the breeding season (late Summer or early Fall) and occasionally other times of the year at sites where there is a concentration of food resources. Therefore, the restriction on flying low over ungulate herds should be a year-long restriction, not simply January 15 to May 1.

Section 3.7F Annual Allocation Adjustment and Section 6.0 New Entrants and Section 8.0 Adaptive Management
Section 3.7F, Section 6.0, and the last paragraph of Section 8.0 describe the attrition process by which NPS and the FAA aim to phase out commercial air tours over the Park. However, as presently written, the ATMP does not guarantee that permits will actually be retired, creating the possibility that air flights will continue indefinitely. Greater clarification of the attrition process is needed in order to ensure the ATMP can successfully achieve its goal of eliminating noisy overflights. In particular, the ATMP needs to clarify what is meant by the phrase “(the ATMP) will not authorize commercial air tours by a successor in interest to any of the operators identified in table 1, by purchase, merger, or otherwise” (lines 309-310). GTMA recommends the ATMP state unequivocally that any change of ownership or legal restructuring of current ownership’s control of the business will terminate the permit. This must include, but not be limited to, any interfamilial or intergenerational transfer of ownership (including non-sales and inheritance), as well as any restructuring of the company to allow it to legally exist after the current ownership is no longer in control of the company (such as the creation of an LLC). Furthermore, because these ATMP sections are essential to allowing the attrition process to operate successfully, the draft ATMP should state categorically that these sections may not be deleted or their intent amended through adaptive management unless any adaptive changes are more protective of park resources, wildlife, and visitor experience than presently exist.

Section 5.0 Compliance
The draft ATMP states that the NPS or the public may report allegations of non-compliance with the ATMP by contacting the local FAA Flight Standards District Office (FSDO). The draft ATMP contains no information on how the public might report possible non-compliance to GNP staff or the local FAA FSDO. Since the public is most likely to report complaints related to air tours to GNP and not the local FAA FSDO, we suggest the following process for reporting possible non-compliance with the ATMP: Glacier National Park employees or the public in GNP will report allegations of non-compliance to a specific department (with an associated phone number and email address) in GNP. The Park will publish the phone number and email address for reporting air tour non-compliance with the ATMP on its website and in Park publications. When the Park receives a complaint, it will investigate the report of non-compliance and determine its validity. If the complaint deserves further investigation, the Park department (office) that received the complaint will contact the local FAA FSDO to initiate an FAA investigation. The FAA will then determine, in consultation with GNP, what actions might need to be taken against a commercial air tour operator.

Section 7.0 Competitive Bidding
This section of the draft ATMP is confusing and seems to suggest scenarios exist that contradict the draft ATMP’s prohibition on new entrants (Section 6.0) or transfer of annual allocated air tours (Section 3.7F). This apparent contradiction needs clarification. Furthermore, commercial air tour operators should not be able to use a competitive bidding process to materially change the specifications for their operations, including increasing the number of permitted air tours over the Park. Since a primary management objective of GNP and the draft ATMP is to eventually eliminate all air tours via attrition, any competitive bidding process must work toward that goal.

Comments on Process
GTMA has strong concerns about the process the NPS and FAA have chosen to undertake. In fact, we believe the process violates the National Environmental Policy Act. The Federal Register notice states “In establishing an air tour management plan under this section, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).” However, no decision document has been provided that clearly states whether the FAA and NPS are using a categorical exclusion (CE) or preparing an environmental assessment or impact statement. During the public meeting on Sept. 21, a host stated the agencies are using a CE but did not provide citation or justification that could be referenced. Failure to provide the public the appropriate decision document, to properly cite the appropriate CE if one is being used, and to offer supporting justification for its use violates NEPA. Furthermore, the NPS and FAA should have included an alternative that immediately meets the GMP’s vision of no commercial overflights so the agencies and public could sufficiently analyze whether the ATMP achieves the laws required objective that it prevent significant adverse impacts of commercial air tours on park resources and visitor experience.5

GTMA also has significant concerns whether the required consultation with the Confederated Salish and Kootenai Tribes or the Blackfeet Nation has occurred as required by the federal government’s trust and treaty responsibilities. Additionally, it is unclear if consultation with state and tribal historic preservation offices has occurred as required by Sec. 106 of the National Historic Preservation Act. Information about the consultation, and NPS and FAA response to the issues raised, should be provided to the public as part of the ATMP.

Furthermore, the National Parks Air Tour Management Act requires the FAA and NPS to host a public meeting, which they did via YouTube on Tuesday, Sept. 21st. GTMA participated.

5 49 USC § 40128(b)(1)(B)
There is now way this forum can satisfy the requirements for a public meeting as envisioned by Congress in the National Parks Air Tour Management Act. The hosts basically read the draft ATMP. They provided almost no meaningful information beyond what was contained in the plan. The moderator regularly went to a break to wait for questions to be submitted when questions were already sitting in the queue. On many of the questions, the hosts were completely unprepared to provide a substantive answer, including but not limited to my question about the attrition process (specifically whether intergenerational transfer would terminate a permit) despite the fact the answer to this question significantly affects ATMP’s process for phasing out overflights (the crux of the plan!). The hosts should have been prepared to answer this question as colleagues in the Quiet! Glacier Coalition had already been seeking an answer directly from the NPS to no avail. Nor did the public have any opportunity to know in real time who else was involved in the public meeting. In short, the online meeting made a mockery of the public process.

Closing Remarks

Glacier-Two Medicine Alliance believes the draft ATMP suffers from an utter lack of scientific justification or legal rationale for both the restrictions on air flights established in the plan and the reliance on an indefinite timeline to phase out air flights through operator attrition. Consequently, the draft ATMP fails to provide a legally defensible analysis of how it protects park resources and visitor enjoyment, including opportunities to experience natural sounds and solitude. Therefore, GTMA asks the NPS and FAA to firmly commit to ending air tours in Glacier National Park no later than five (5) years after this plan is put into effect. In the meantime, overflights should be restricted to the Going-to-the-Sun Road corridor. Additional flight restrictions and stronger compliance mechanisms, including those discussed above, should be enacted to protect wildlife, the natural soundscape, cultural resources, and wilderness character. Finally, the NPS should substantially clarify its rationale and scientific justification for the various requirements included in the plan, as well as for the attrition process the ATMP relies on to end noisy, disruptive overflights.

Thank you for the opportunity to comment on the draft Air Tour Management plan. We fully support GNP’s long-established goal of eliminating commercial air tours in order to protect the tranquility and natural sounds of Glacier National Park. The time to do so is now. If you have any questions about our comments or would like to discuss them further with me, please do not hesitate to contact me at the information below.

Sincerely,

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