

**ORDER**

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

1110.138

**SUBJ: NATIONAL PARKS OVERFLIGHTS ADVISORY GROUP AVIATION RULEMAKING  
COMMITTEE**

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- 1. PURPOSE.** This order constitutes the charter for the National Parks Overflights Advisory Group (NPOAG) Aviation Rulemaking Committee that is designated and established pursuant to the Administrator's authority under 49 USC 106(p)(5).
  - 2. DISTRIBUTION.** This order is distributed at the director level in Washington headquarters and throughout the Office of the Associate Administrator for Regulation and Certification. This order is also distributed to the Manager of the National Parks Service (NPS) Soundscape Program Center and the NPS Chief Counsel.
  - 3. OBJECTIVES AND SCOPE.** The purpose of the NPOAG is to provide continuing advice and counsel to the Administrator of the FAA and the Director of NPS with respect to FAA regulations governing commercial air tour operations over and near national parks.
  - 4. DUTIES.** NPOAG will provide advice, information, and recommendations to the Administrator and the Director on:
    - a. The implementation of the National Parks Air Tour Management Act of 2000 and the amendments made by this title;
    - b. Commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;
    - c. Other measures that might be taken to accommodate the interests of visitors to national parks; and
    - d. At the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.
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Distribution: A-WX-2; AVR (All)

Initiated by: AWP-1

## **5. ORGANIZATION AND ADMINISTRATION.**

a. The Administrator of the FAA and the Director of the NPS will designate representatives to serve as ex officio members of the NPOAG. The ex officio representative of the FAA and the ex officio representative of the NPS will serve alternating one-year terms as the Chairperson of the NPOAG. The ex officio representative of the FAA and the ex officio representative of the NPS will serve alternating one-year terms as secretary of the NPOAG when not acting as chairperson. The general membership of the NPOAG will be composed of representatives of general aviation (two members), commercial air tour operators (two members), environmental concerns (four members) and Native American tribes (two members).

b. The term of office will be staggered as follows: one general aviation representative, one commercial air tour operator representative, two environmental representatives and one Native American representative will serve for a period of two years from the date of this charter. The remaining representatives will serve a three-year term from the date of this charter. Thereafter, the term of office for each member will be three years. Those individuals chosen for the initial two-year term will be selected either by volunteering for a two-year term, or by a blind draw. An individual may serve more than one term, but no individual may represent more than one group in any given term (i.e., an individual cannot be both a commercial air tour operator representative and a representative of the Native American interests).

c. The first members of the NPOAG are listed in Attachment A to this order. At least six months prior to completion of any general member's term, or within two months of being informed in writing that a general member can no longer serve out his term, the FAA will issue a notice in the Federal Register seeking applicants for the available advisory group positions. The Administrator of the FAA and the Director of the NPS will select the members from the list of those requesting to participate after reviewing their qualifications, based on the needs of the advisory group.

d. If a member determines that it is not possible to complete the member's term, then the member will submit in writing a notice to the Chairperson informing them that they will not be able to complete their term and indicating when their resignation from the group should be effective. Members will make every effort to provide the group with sufficient notice (at least one month) should they be unable to complete their term.

**6. COMPENSATION.** Members of the NPOAG who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

**7. MEETINGS.** The NPOAG will meet at the request of the Chairperson of NPOAG but not less than one time per calendar year. The schedule for regular meetings will be set by the Chairperson after consideration of recommendations from the group. Meetings may be

scheduled to coincide with meetings of air tour, general aviation, conservation or tribal organizations or other events that are relevant to managing air tours. Timely notice of all NPOAG meetings will be published in the Federal Register. The meeting location will be set by the Chairperson after considering recommendations from the group. Conference calls or other virtual forms of communication are appropriate methods of conducting meetings. Meetings of the NPOAG will be open to the public.

**8. REPORTS.** The Chairperson will be responsible for preparing a report of the proceedings of each meeting. At the next subsequent NPOAG meeting the report will be reviewed and adopted, with modifications as necessary. A copy of each meeting report will be filed with the Administrator and the Director.

**9. AVAILABILITY OF RECORDS.** Subject to the conditions of the Freedom of Information Act, 5 U.S.C. Section 522, records, reports, agendas, working papers, and other documents that are made available to or prepared for or by the NPOAG will be available for public inspection and copying at the FAA's Western Pacific Region Executive Resource Staff, AWP-4, P.O. Box 92007, Los Angeles, CA 90009, (310) 725-3800. Fees will be charged for information furnished to the public in accordance with the fee schedule published in part 7 of title 49, Code of Federal Regulations.

**10. PUBLIC INTEREST.** The formation of the NPOAG is determined to be in the public interest in connection with the performance of duties imposed on FAA by law.

**11. EFFECTIVE DATE AND DURATION.** This Order is effective immediately. The NPOAG will remain in existence until either its responsibilities under the Act are complete, Congress indicates it is no longer necessary to maintain the NPOAG, or the group is terminated by Executive Order of the President.

Issued on October 10, 2003

/s/

Marion C. Blakey  
Administrator

**ADDENDUM TO: THE NATIONAL PARKS OVERFLIGHTS ADVISORY GROUP  
AVIATION RULEMAKING ADVISORY COMMITTEE, ORDER 1110.138**

**General Aviation Representatives:**

David Kennedy -- National Air Transportation Association  
Heidi Williams -- Aircraft Owners and Pilots Association

**Commercial Air Tour Operators Representatives:**

Lash Larew -- ERA Helicopter, USATA, HAI  
Alan Stephen -- Grand Canyon Airlines

**Environmental Concerns Representatives:**

Steven Bosak -- National Parks Conservation Association  
Chip Dennerlein -- State of Alaska Fish and Game  
Susan Gunn -- The Wilderness Society  
Charles Maynard -- Friends of the Smokies

**Native American Tribes Representatives:**

Richard Deertrack -- Native American Tribes  
Germaine White -- CS and KT Tribes