

**CALIFORNIA COASTAL COMMISSION**

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# Th9a

## ADDENDUM

November 16, 2022

TO: Coastal Commissioners and Interested Parties

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SUBJECT: **ADDENDUM TO AGENDA ITEM TH9A, APPLICATION NO CD-0005-22 (FEDERAL AVIATION ADMINISTRATION AND NATIONAL PARK SERVICE), THURSDAY, NOVEMBER 17, 2022**

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This addendum provides additions and revisions to the October 27, 2022, staff report to address additional information provided to Commission staff following its publication.

### I. CHANGES TO THE STAFF REPORT

The following are revisions to the text of the staff report and recommendation. Proposed deletions are marked with ~~strikethrough~~ text and additions are marked with underlined text.

- a) Addition of text in the summary of staff recommendation on page 2, paragraph 3:

Although for over 20 years no ATMPs were developed by NPS and FAA as required by the 2000 National Parks Air Tour Management Act, a lawsuit filed by the Public Employees for Environmental Responsibility (PEER) resulted in establishment of a deadline of August 31, 2022, for completion of ATMPs for 24 national park units (including GGNRA and PRNS). NPS and FAA are pursuing an extension of this deadline and developed and submitted the subject consistency determination to help achieve completion of the ATMPs in early 2023.

- b) Addition of text in the proposed project section on page 7 immediately following paragraph 4:

### **Compliance and Enforcement**

Regarding compliance monitoring and enforcement of the proposed ATMP, the NPS and FAA provided the following information:

On the effective date of the ATMP, all commercial air tours within the ATMP boundary must comply with the terms of this ATMP which will be incorporated into each operators' operations specifications (OpSpecs). OpSpecs are issued by the FAA to each operator and prescribe the authorizations, limitations, and procedures under which air tour operations must be conducted and require certain other procedures under which each class and size of aircraft is to be operated. The NPS and the FAA are both responsible for the monitoring and oversight of the ATMP. In order to successfully implement the ATMP, the agencies determined that it should include provisions to allow them to adequately monitor and ensure compliance with its conditions. To this end, Section 4.1 of the final ATMP requires that operators equip aircraft used for air tours with flight monitoring technology, to use such technology when conducting air tours, and to include flight monitoring data in their semi-annual reports, along with the number of commercial air tours conducted.

If the NPS identifies instances of non-compliance with the terms and conditions of the ATMP, the NPS will report such findings to the FAA's flight standards district office (FSDO) with geographic oversight of the Parks. The public may also report allegations of non-compliance with the ATMP to the FSDO. The FSDO will investigate and respond to all written reports consistent with applicable FAA guidance.

A determination that an operator is not in compliance with the terms of the ATMP 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.