

**Mount Rushmore National Memorial  
Air Tour Management Plan  
Planning and NEPA Scoping Document**

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## **Part 1 - Introduction to the Project**

### **A. Introduction**

The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS), has initiated the development of an Air Tour Management Plan (ATMP) for Mount Rushmore National Memorial pursuant to the National Parks Air Tour Management Act of 2000 (Public Law 106-181) and its implementing regulations contained in Title 14, Code of Federal Regulations, Part 136, *National Parks Air Tour Management*. The objective of the ATMP is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands of Mount Rushmore National Memorial.

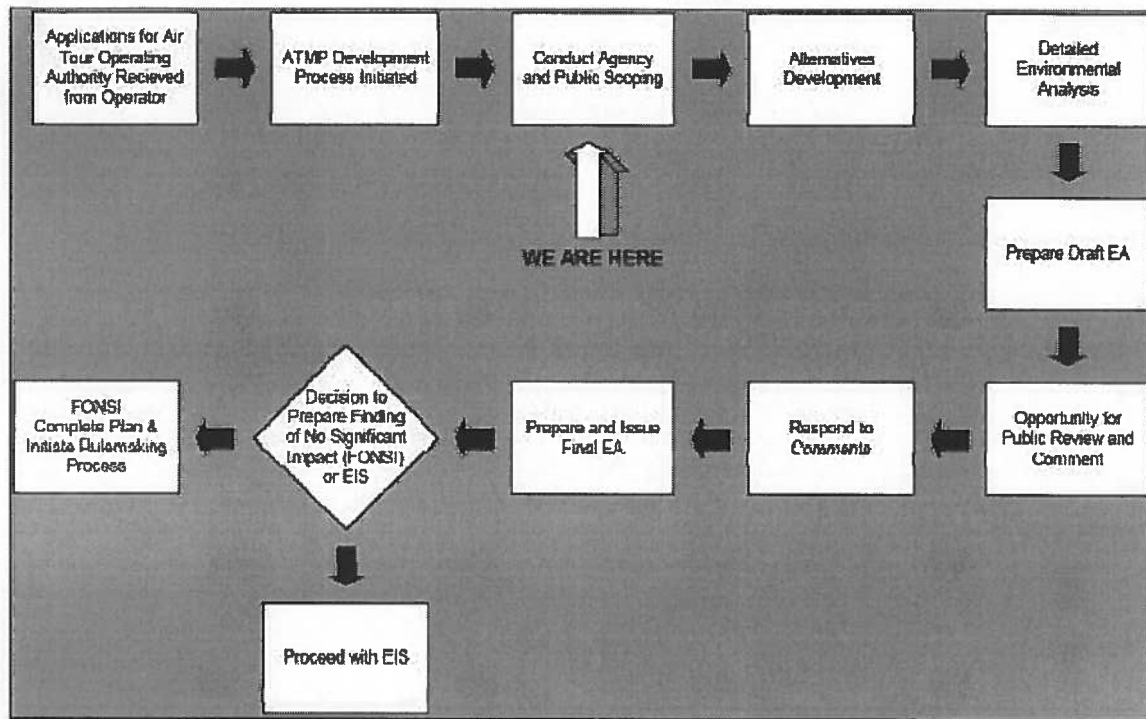
A commercial air tour operation is defined as a flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park or over tribal lands, during which the aircraft flies below a minimum altitude of 5,000 feet (except for the purposes of takeoff or landing, or as necessary for the safe operation of the aircraft), or less than 1 mile laterally from any geographic feature within the park unless more than ½ mile outside the boundary. A commercial air tour operator is any person who conducts a commercial air tour operation.

In accordance with the National Parks Air Tour Management Act, the Mount Rushmore National Memorial ATMP: may prohibit commercial air tour operations in whole or in part; may establish conditions for the conduct of commercial air tour operations; shall apply to all commercial air tour operations within ½ mile outside the boundary of the National Park; shall include incentives for the adoption of quiet aircraft technology; and shall provide for the initial allocation of opportunities to conduct commercial air tour operations if the plan limits the number of such operations. The need for implementation of any of these measures must be justified and documented in the ATMP and within the finding of no significant impact/record of decision.

### **B. Air Tour Management Plan (ATMP) Development Process**

The process is initiated in a particular location following the receipt of an application for air tour operating authority from an existing or new entrant commercial air tour operator. The FAA has received applications for commercial air tour operating authority from two existing operators and one new entrant for Mount Rushmore National Memorial. The ATMP planning and environmental assessment process is summarized in Figure 1. The scoping process has been initiated early in ATMP planning to ensure an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to commercial air tour operations over and within ½ mile of the national park. Following completion of the planning and environmental process, appropriate implementation actions will be taken for the selected ATMP alternative. This may include federal rulemaking (see Figure 1).

In developing the ATMP and any associated rulemaking actions, the FAA is required to comply with the National Environmental Policy Act of 1969 (National Environmental Policy Act), and its implementing regulations contained in 40 CFR Parts 1500-1508 (hereafter referred to as "the regulations"). The regulations mandate that the FAA and NPS shall, to the fullest extent possible, interpret and administer the policies, regulations and public laws of the United States in accordance with the policies set forth in the National Environmental Policy Act and these regulations (1500.2(a)). The regulations also mandate that the FAA and NPS shall, to the fullest extent possible, use the National Environmental Policy Act process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment and use all practical means, consistent with the requirements of the National Environmental Policy Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment (1500.2(e) and 1500.2(f)). For the purposes of complying with sections 1501.3 and 1501.5 through 1501.8 of CEQ regulations, the FAA is the lead agency and the NPS is a cooperating agency.



**Figure 1 - ATMP Planning and Environmental Assessment Process**

The FAA will, in cooperation with the National Park Service, prepare an environmental assessment (EA) in accordance with FAA Order 1050.1D. The FAA may decide to proceed with the development of an environmental impact statement (EIS) at anytime during the development of the environmental assessment. This notwithstanding, following the planned development of the environmental assessment, either a finding of no significant impact (FONSI) or environmental impact statement will be prepared. Prior to implementation of the ATMP and following any federal rulemaking actions, a record of decision will be prepared.

Additional information on the ATMP Program is available on the FAA's ATMP Website located at [www.atmp.faa.gov](http://www.atmp.faa.gov). Interested parties may request information regarding the development of this and other ATMPs through this website.

## **Part 2 – Setting**

### **A. Introduction**

The discussion below summarily describes the setting for the Mount Rushmore National Memorial ATMP project. A description of the park's natural and cultural resources, visitor experiences, tribal lands, and commercial air tour activity are provided to assist the public and agencies in the preparation of meaningful comments. The most useful comments are those that address the scope of analysis, present significant issues, and suggest reasonable alternatives to the proposed action with the greatest specificity possible.

The planning area for the Mount Rushmore National Memorial ATMP project is depicted on Figure 2a and Figure 2b. The area encompasses the Mount Rushmore National Memorial and the area within ½ mile outside the boundary of the park. The National Parks Air Tour Management Act limits the applicability of the Air Tour Management Plan to operations conducted within this area. Although the scope of authority is limited, the FAA recognizes its responsibility under applicable environmental laws to consider impacts on potentially affected resources located in the vicinity of the Mount Rushmore National Memorial but in excess of a ½ mile outside the boundary of the park.

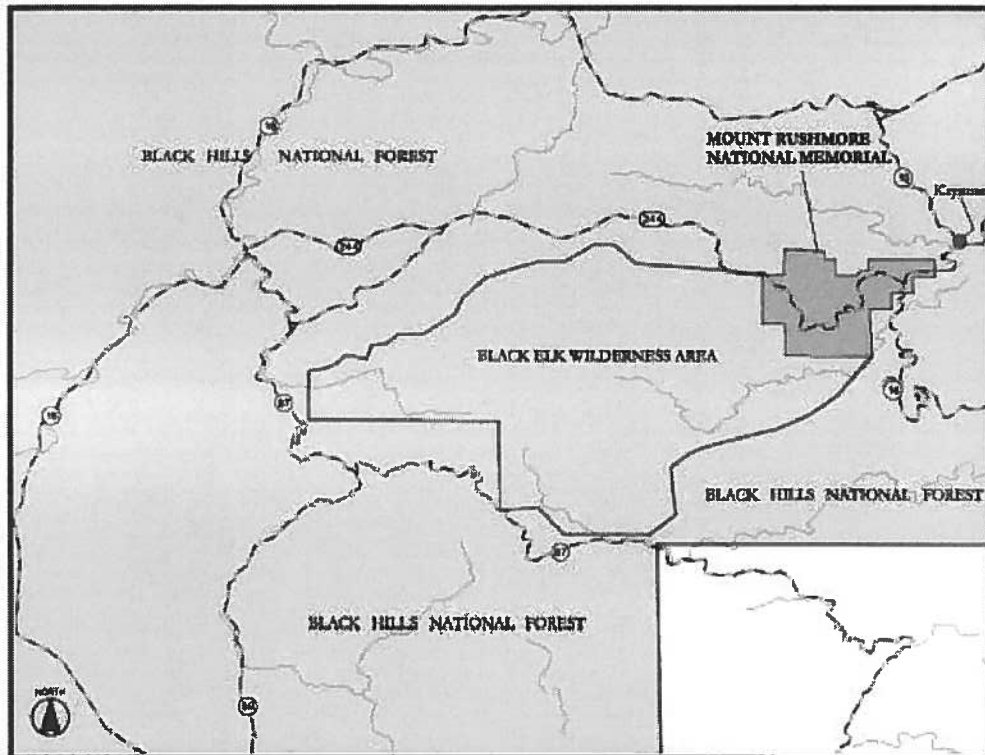


Figure 2a – Mount Rushmore National Memorial Planning Area (Vicinity View)

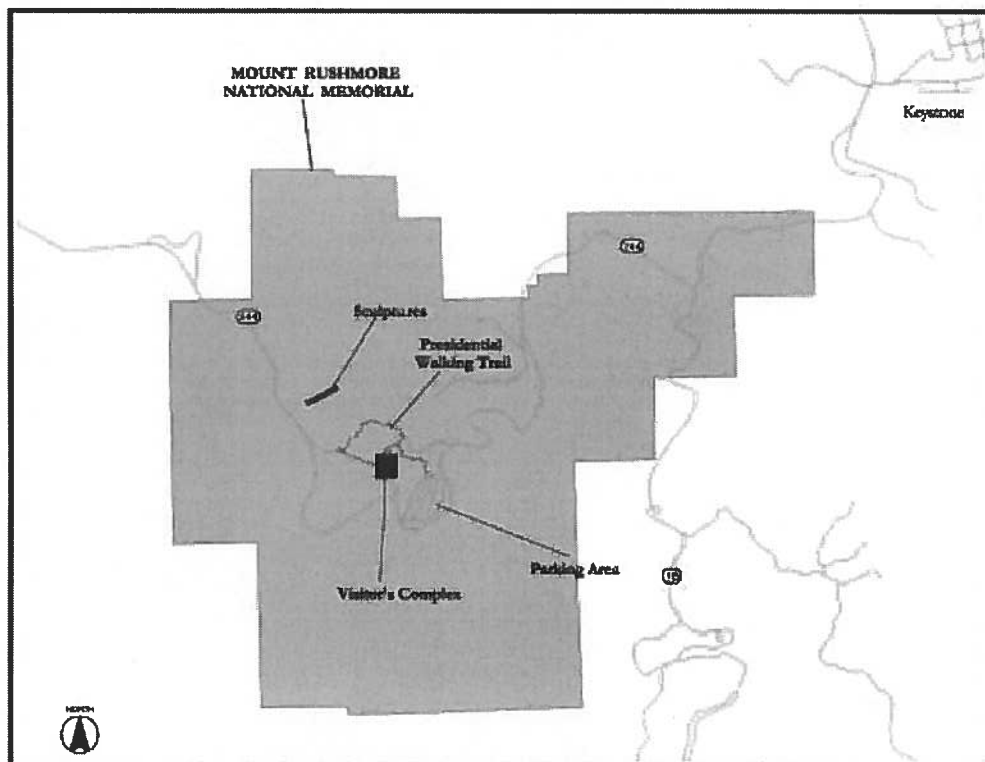


Figure 2b – Mount Rushmore National Memorial Planning Area (Close-up View)

## **B. Mount Rushmore National Memorial - Natural and Cultural Resources, Visitor Experience, and Tribal Lands**

Mount Rushmore National Memorial is located on the central slope of the Black Hills, western South Dakota. The memorial is characterized by granite knobs, peaks, ridges, and valleys with ponderosa pine and meadow.

It is the mission of the National Park Service at Mount Rushmore National Memorial to preserve and protect Mount Rushmore National Memorial while providing for the education and enjoyment of the public.

The mission of the National Park Service at Mount Rushmore National Memorial is rooted in and grows from the Executive Order 6166 of June 10, 1933 as a supplement to the purposes provided in the Organic Act of August 25, 1916, as amended. The mission statement is a synthesis of this mandated purpose, plus the park's primary purposes and values.

### Legislative Intent

Mount Rushmore National Memorial administered under the spirit and intent of the Act of August 25, 1916, which established the National Park Service and which states the purpose of the service to be, "...to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." This act, those previously mentioned, and subsequent legislation provide direction for the National Park Service to preserve and protect the memorial sculpture and the natural setting, and to provide for the access of the public and for the inspirational and educational appreciation of the cultural and natural resources of the memorial.

### Purposes

Therefore, the purposes of Mount Rushmore National Memorial are to:

- Commemorate our national history and progress through the visages of George Washington, Thomas Jefferson, Abraham Lincoln, and Theodore Roosevelt.
- Provide the opportunity for a contemplative visitor experience as related to the sculpture and its setting.
- Provide recreational opportunities.

### Values

- The sculpture and historic structures and artifacts, and the unique creative endeavor associated with the carving.
- The memorial carving's significance as the "Shrine of Democracy"
- The natural scene surrounding and framing the carving. A stand of ponderosa pine on the adjacent steep slopes provides a setting that complements the carving and contributes eloquently to its full aesthetic appreciation

Mount Rushmore National Memorial's significance is the sculpture and historic structures and artifacts associated with the carving. The major resource at Mount Rushmore is the sculpture itself; carved during the period from 1927 to 1941 from the southeastern face of a granite upthrust. The sculpted busts of presidents George Washington, Thomas Jefferson, Theodore Roosevelt, and Abraham Lincoln were described as the "Shrine of Democracy" by President Franklin Delano Roosevelt in a speech on the site in 1936. Also the sculpture is significant as a unique creative endeavor. Important to the sculpture is the natural scene surrounding and framing it. A stand of ponderosa pine on the adjacent steep slopes provides a setting that complements the carving and contributes eloquently to its full aesthetic appreciation. These naturally occurring evergreens add color and life

Rolling mountainous terrain, evergreen forests and a semi-arid climate characterize the area of the Black Hills in which Mount Rushmore National Memorial is located. The scenery, recreation, and wildlife draw large numbers of people to the region. Mount Rushmore National Memorial receives approximately 2 million recreational visitors to the park each year. Most visits are concentrated to developed areas where visitor services and facilities are located. The major resource at the memorial is the sculpture itself, carved on the southeastern face of a granite upthrust called Mount Rushmore. Second in importance is the natural scene surrounding the sculpture as viewed by memorial visitors. The prominent sculptures make up a very small portion of the memorial. The remaining area is primarily covered by dense ponderosa pine forest, crossed by rugged canyons, dotted with jagged granite outcrops. The memorial is near Harney Peak (7,242 feet), the highest point in the United States east of the Rocky Mountains.

The memorial serves as home to plant and animal species and geologic features representative of the Black Hills. Ponderosa pine stands throughout the memorial and surrounding areas are very dense. There are no known federally listed wildlife species, and no critical habitat is known to exist within the memorial. Although no federally listed species are known to exist, and state listed species have yet to be proven as living within the park, some have been observed.

Most visitors to the memorial spend most of their time at the visitor's center and viewing the sculptures. The memorial offers a wide range of recreational opportunities including hiking, wildlife viewing, and climbing. It also offers a number of interpretive and educational programs. There are also self-guided and ranger guided opportunities to explore the history, art and science of the sculptures and its setting. Visitor facilities are concentrated in a central area with access from a 3-tiered parking structure located adjacent to the visitor's center. The Lincoln Borglum Visitor Center and Museum includes two theaters and a museum. Visitors also have access to a visitor's center and dining hall, a historical and commemorative walkway, a viewing platform, and a nature trail. The amphitheater, which opened in 1997, accommodates approximately 2,500 people. The primary visitor experience is sightseeing, specifically the sculptures carved on Mount Rushmore. One of the more popular features of the memorial is the Avenue of the Flags, the walkway from the information center to the sculpture observation area. Another popular park feature is the 0.6-mile Presidential Trail, which leads to the base of the mountain just below sculpture. There are no camping facilities within the memorial's boundaries.

### **C. Commercial Air Tour Activity and Visitor Experience**

There are currently two existing operators who provide commercial air tours over and within ½ mile outside the boundary of the Mount Rushmore National Memorial. Approximately 5,563 commercial air tour operations are authorized per year. This figure is based on the operators' applications for air tour operating authority submitted pursuant to Title 14 Code of Federal Regulations Part 136. In the application, the operator was required to report the greater of the number of commercial air tour operations conducted during the twelve-month period preceding April 5, 2000, or the average number of commercial air tour operations conducted by the operator during the three-year period preceding April 5, 2000. In accordance with the National Parks Air Tour Management Act and Title 14, Code of Federal Regulations, Part 136, the annual air tour operations over and within ½ mile outside the boundary of the Mount Rushmore National Memorial are currently capped at the number of operations reported in the operator's application, unless otherwise authorized by the FAA and NPS, or until the ATMP is implemented.

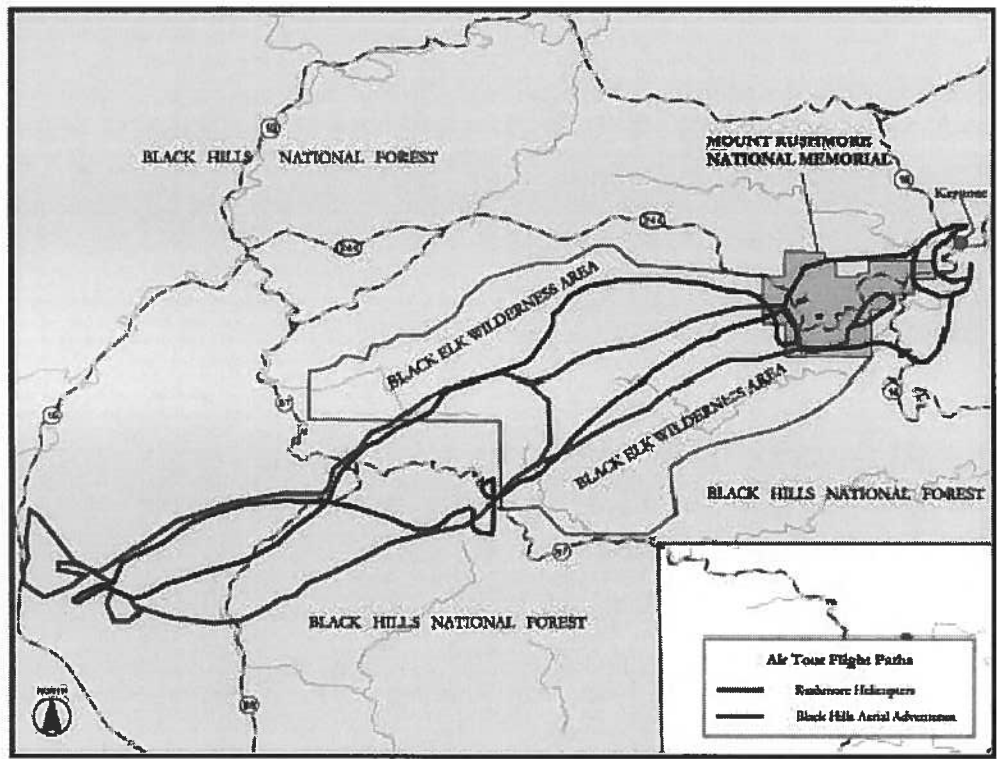
All existing commercial air tour operations at Mount Rushmore National Memorial are certificated by the FAA in accordance with the requirements of Title 14 Code of Federal Regulations Parts 91 and 135. The FAA has proposed national safety standards to govern commercial air tours (Docket No. FAA-1988-4521; Notice No. 03-10) (See Federal Register 60572, October 22, 2003)

The FAA Rapid City Flight Standards District Office has developed an Air Tour Operation Plan regarding the conduct of air tour operations over and within the vicinity of Mount Rushmore National Memorial. This plan identifies standard operating procedures and a safety plan for each operator. The approved air tour routes are presented in Figure 3a and Figure 3b. Compliance with these procedures is voluntary and occasionally, air tour operations are conducted in a different manner. The procedures in the FAA Rapid City Flight Standards District Office Air Tour Operation Plan are not currently enforceable as federal law or regulation.

Those who experience the National Park solely by means of a commercial airtour are considered legitimate visitors to the park although their experience of the park resources and values is quite different in most cases from that of the ground based visitor. The air tour visitor experience often varies depending on weather conditions and the desires of the air tour client/visitor (i.e. length of flight, geographic features of special interest). The experience described below is based on an air tour operation conducted in clear weather conditions and in accordance with the FAA Rapid City Flight Standards District Office Air Tour Operation Plan.

Approximately 5,200 commercial air tour operations originate from and return to the helipad located in Keystone, which is just southeast of the Mount Rushmore National Memorial entrance. Several routes circle within the southeast portion of the park and then continue outside of the park to the northeast. Other routes depart Keystone and head away from Mount Rushmore National Memorial to view portions of the neighboring Black Hills National Forest.

Another existing operator uses a helipad off U.S. Highway 16/385 to provide air tours that also circle around Mount Rushmore National Memorial and Black Hills National Forest. This operator provides approximately 363 air tours per year.



**Figure 3a – Approximate Routes Identified in FAA Rapid City Flight Standards District Office Air Tour Operation Plan (Vicinity View)**

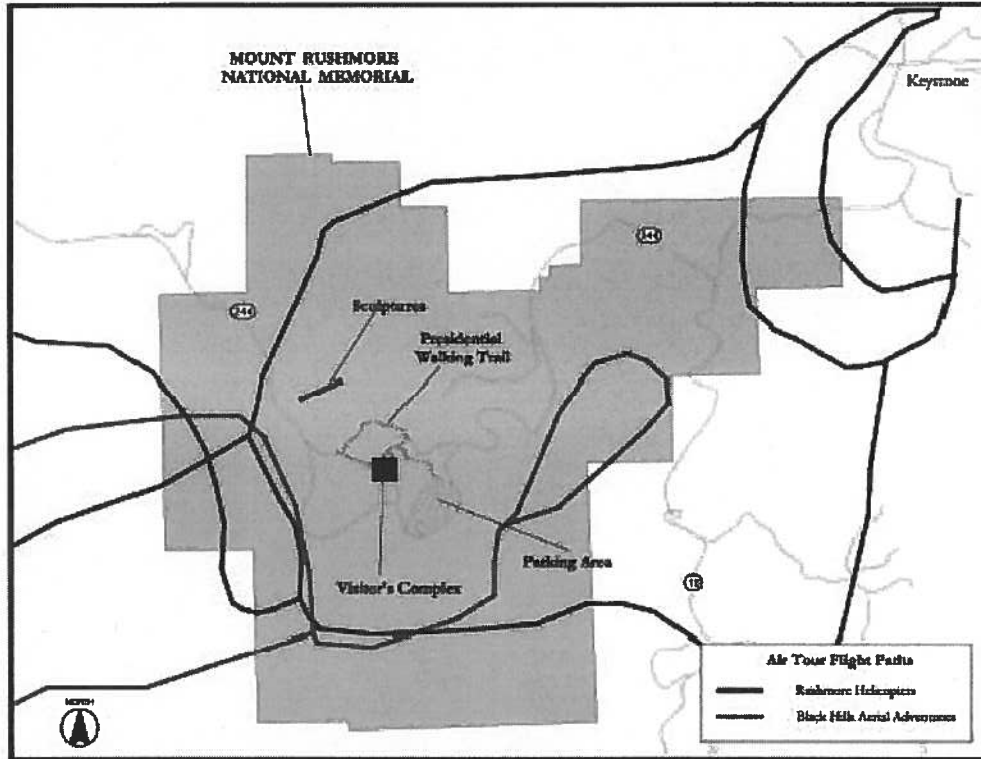


Figure 3b – Approximate Routes Identified in FAA Rapid City Flight Standards District Office Air Tour Operation Plan (Close-up View)

### Part 3 - Federal Action and Range of Alternatives

#### A. Federal Action

The federal action associated with this project is the establishment of an Air Tour Management Plan (ATMP) for Mount Rushmore National Memorial, which accomplishes the objective set forth in the Air Tour Management Act of 2000, which is to establish acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, and visitor experiences. The purpose and need for this project stem from the enactment of the Air Tour Management Act of 2000, wherein the U.S. Congress directed the FAA, in cooperation with the NPS, to establish an ATMP for any national park or tribal lands for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. Two persons have applied to the FAA for operating authority to conduct commercial air tour operations over Mount Rushmore National Memorial, which triggers the need to develop an ATMP at this park. Following completion of the ATMP planning and environmental process, appropriate implementation actions will be taken for the selected ATMP alternative. This may include federal rulemaking. The FAA, in cooperation with the NPS, is actively preparing to make a decision on one or more alternative means of meeting the Air Tour Management Plan objective while also complying with the existing legislative, regulatory, and, to the greatest extent possible, the policy mandates of both agencies.

In Section 802 of the National Parks Air Tour Management Act of 2000, Congress found, in relevant part, that (1) the Federal Aviation Administration has sole authority to control airspace over the United States; (2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on public and tribal lands; and, (3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations. The relevant FAA legislative, regulatory, and policy mandates are primarily defined by the Federal Aviation Act of 1958 (49 U.S.C. 40103(b)), the Air Tour Management Act of 2000 (49 U.S.C. 40128), and the Department of



Transportation Act of 1966 (49 U.S.C. 303(c)). The relevant NPS legislative, regulatory, and policy mandates are primarily defined by the Organic Act of 1916 (16 USC 1, 2-4), the General Authorities Act of 1976 (16 USC 1a-1 through 1a-8), the Redwoods Act of 1978 (P.L. 95-250, 92 Stat. 163, 16 USC 1a-1), and the enabling legislation specific to Mount Rushmore National Memorial. The determination of significant adverse impacts, if any, for this ATMP will be made by the FAA in cooperation with the NPS, based on the National Parks Air Tour Management Act of 2000 as well as the aforementioned legislative, regulatory, and policy mandates of the FAA and the NPS, other pertinent environmental laws, and the purposes and values of Mount Rushmore National Memorial (described in Part 2B of this document).

The Air Tour Management Act of 2000 specifies that the ATMP be developed by means of a public process. This scoping process is one of the early elements of that public process. As a result, a specific "preferred alternative" for the ATMP has not yet been identified. No determination has yet been made on the justification or need for any limitations or restrictions on commercial air tour operations over and in the vicinity of Mount Rushmore National Memorial with the exception of those specified in existing federal regulations. The FAA and NPS preferred ATMP alternative will be identified following scoping and following the conduct of a complete environmental analysis. The FAA and NPS may identify a preferred alternative in the draft environmental assessment, which will be made available for public review and comment.

## **B. Range of Alternatives**

### **1. No Action Alternative**

The environmental impacts of the no action alternative must be considered for comparative purposes in accordance with the National Environmental Policy Act and the implementing regulation of the Council on Environmental Quality regulations (40, CFR Parts 1500-1508). This is required even in situations such as this where the FAA and NPS are under legislative command to develop an ATMP. The "no action" alternative assumes the continuation of the present course of action can be expected if an ATMP is not developed for Mount Rushmore National Memorial. For this reason, under the no action alternative it will be assumed that the FAA Rapid City Flight Standards District Office Air Tour Operation Plan would remain in effect. It is important to note that the FAA Rapid City Flight Standards District Office Air Tour Operation Plan only applies to commercial air tour operations conducted in rotor wing aircraft, therefore, any commercial air tour operations conducted in fixed wing aircraft are not subject to the agreement. It is also important to note that compliance with the FAA Rapid City Flight Standards District Office Air Tour Operation Plan is voluntary on the part of the signatory operators and, under this alternative, the level of compliance would remain steady. Under this alternative, the FAA and the NPS would continue to have no federal regulatory authority to enforce the procedures specified in the FAA Rapid City Flight Standards District Office Air Tour Operation Plan. In addition, the existing caps on the number of commercial air tour operations and the limitations on new entrants imposed under Title 14 Code of Federal Regulations Part 136 will also be assumed to continue in effect under this no action alternative. The no action alternative will be more fully described and will be carried forward for detailed analysis in the environmental assessment.

### **2. No Prohibitions, Conditions, Restrictions, or Limitations Alternative**

An ATMP alternative that assumes no prohibitions, conditions, restrictions or limitations on commercial air tour operations will be analyzed. The Air Tour Management Act requires any prohibition, condition, restriction, or limitation on commercial air tour operations to be justified. Under this alternative, there would be no caps, limitations, restrictions, or federally specified routes for commercial air tour operations over the park other than those specified in existing federal safety regulations.

### **3. Other Alternatives**

The FAA, in cooperation with the NPS, will determine if any mitigation measures are justified and develop other alternatives that will incorporate such mitigation measures as deemed appropriate.

If mitigation measures are justified, a range of potential mitigation measures will be screened for possible use at Mount Rushmore National Memorial. Table 1 provides a list of potential mitigation measures, which may be utilized either individually or in combination. The Air Tour Management Act specifically authorizes the use of these measures when their use is justified and the need is documented. Additional mitigation measures and alternatives might be suggested by the NPS, as a cooperating agency, and by the

public or by other agencies. Such alternatives could be carried through analysis in response to specific issues about the effects of commercial air tour operations on park resources and visitor experiences. Consideration of the impacts of such alternatives may also provide a basis or justification for mitigation.

**Table 1 - Potential Mitigation Measures**

<b>POTENTIAL MITIGATION MEASURES – PROHIBITIONS and CONDITIONS</b>	
♦	In-whole prohibition on commercial air tour operations
♦	In-part prohibition on commercial air tour operations
♦	Establishment of commercial air tour routes
♦	Establishment of maximum and/or minimum commercial air tour altitudes
♦	Time-of-day restrictions for commercial air tour operations (including curfews)
♦	Restrictions on commercial air tour operations for particular Events
♦	Maximum number of commercial air tour flights per unit of time (capacity limits)
♦	Conditions necessary for mitigation of intrusions on privacy on tribal lands
♦	Other prohibitions or conditions necessary for mitigation of noise, visual, or other impacts

Alternatives that are not practicable or otherwise do not satisfy the purpose and need for the project would not be carried forward for detailed analysis within the environmental assessment. A reasonable number of alternatives and the no action alternative will be carried forward for detailed analysis. A discussion of each of the initial alternatives not carried forward and the reasons for it not being carried forward will be included in the environmental assessment. The public will have an opportunity to view the alternatives analysis when the draft environmental assessment is distributed for public review and comment.

**C. Provisions Common to All Alternatives**

As required by the Air Tour Management Act, any ATMP alternative that establishes commercial air tour routes, minimum or maximum altitudes, caps, or curfews shall also include incentives for the adoption of quiet aircraft technology. This requirement will be satisfied for any alternative for which it is applicable. The incentives may include:

- Preferred routes (if any routes are proposed)
- Preferred altitudes (if any maximum or minimum altitudes are proposed)
- Partial or total relief from caps (if any caps are imposed)
- Partial or total relief from curfews (if any curfews are imposed)
- Other appropriate incentives

**Part 4 - Initial List of Environmental Issues**

**A. Introduction**

For the purposes of preparing environmental documents under the National Environmental Policy Act, the FAA is the lead agency and the NPS is a cooperating agency. The FAA and NPS have executed a Memorandum of Understanding regarding implementation of the Air Tour Management Act and development of ATMPs. The agencies have agreed, among other things, that the development of ATMPs and associated environmental document(s) under National Environmental Policy Act will be a fully cooperative process recognizing and complying, to the greatest extent possible consistent with the FAA’s responsibility as lead agency, with the existing legislative, regulatory, and policy mandates of both agencies. The Air Tour Management Act specifically requires that “...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) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement, and the record of decision for the air tour management plan.”

FAA Order 1050.1D, *Policies and Procedures for Considering Environmental Impacts*, sets forth specific environmental analysis procedures to be used in preparing environmental assessments and environmental impact statements. A copy of the order is available via the FAA’s Website at

[www.aee.faa.gov/e3/1050pt1d](http://www.aee.faa.gov/e3/1050pt1d). In accordance with this order, the impacts (including cumulative impacts) of existing commercial air tour operations and any ATMP alternatives carried forward for detailed study will be evaluated in each of the 18 environmental impact categories listed below.

### **B. Environmental Impact Categories**

1. Impacts on air quality (including potential visibility impairment)
2. Impacts on cultural resources
3. Impacts on coastal resources
4. Light emissions and visual impacts
5. Compatible land use impacts
6. Impacts on use of (consumable) natural resources and energy supply
7. Construction impacts
8. Noise impacts
9. Impacts on properties protected under 49 U.S.C. 303 (DOT Act 4(f))
10. Secondary (induced) impacts
11. Impacts on farmland
12. Socioeconomic impacts (including environmental justice)
13. Impacts on fish, wildlife, and plants (including threatened and endangered species)
14. Impacts on water quality
15. Impacts on floodplains and floodways
16. Impacts on wetlands
17. Impacts of hazardous materials and solid waste
18. Impacts on wild and scenic rivers

### **C. Initial Issues**

One objective of this scoping process is to assist the FAA in determining the scope and the significant issues to be analyzed in depth in the environmental assessment. As a result the FAA may identify and eliminate from detailed study the issues which are not relevant thereby narrowing the discussion of these issues in the environmental assessment. At this early stage in the planning process, the FAA and NPS are considering the following environmental issues to be particularly important:

- Potential noise impacts
- Potential impacts on visitor experience
- Potential impacts on Native American culture

The FAA is now inviting the public, agencies, tribes, and other interested parties to provide comments, suggestions, and input regarding the scope, issues, and concerns regarding commercial air tours and their potential impacts to be addressed in the environmental process and related to the development of the ATMP for Mount Rushmore National Memorial.

### **Part 5 - Sources Consulted**

Division of Interpretive Planning, Harpers Ferry Center. 1992. Interpretive Prospectus: Mount Rushmore National Memorial. National Park Service, 1992.

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