

No. 19-1044

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UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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IN RE PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY  
and HAWAII COALITION MALAMA PONO,  
*Petitioners.*

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On Petition for Writ of Mandamus

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**PROGRESSS UPDATE OF THE  
FEDERAL AVIATION ADMINISTRATION AND  
THE NATIONAL PARK SERVICE**

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**PROGRESS UPDATE OF THE FEDERAL AVIATION  
ADMINISTRATION AND THE NATIONAL PARK SERVICE**

The Court's order of November 20, 2020 approved a plan (Compliance Plan) submitted by the Federal Aviation Administration (FAA) and National Park Service (collectively the agencies) for bringing twenty-three specific parks into compliance with the National Parks Air Tour Management Act of 2000 (Act). The order further directed the agencies to file a progress update on November 30, 2020 and to file subsequent updates at 90-day intervals thereafter.<sup>1</sup> The Court modified its November 20, 2020 order in a March 8, 2021 clarification order and a February 10, 2022 order.

On June 21, 2022, the Court issued an order directing the agencies to submit a joint supplemental report with proposed firm dates for bringing each park into compliance. On July 21, 2022, the agencies complied with that order by filing the Joint Supplemental Report signed by the Acting Administrator of the FAA and the Director of the Park Service. In the Joint Supplemental Report, the agencies proposed firm dates for bringing each park into compliance with the Act.

Consistent with the Court's orders, the agencies submit the following chart showing the agencies' progress, as of May 31, 2023, towards completing air tour

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<sup>1</sup> On February 20, 2022, the Court granted the agencies' unopposed motion to adjust the progress reporting schedule and authorized filing on fixed dates of February 28, May 31, August 31, and November 30, rather than at 90-day intervals.

management plans or voluntary agreements for all parks included in the Compliance Plan. Consistent with the July 21, 2022 Joint Supplemental Report, this chart lists the parks in descending chronological order according to the date on which plans or agreements were completed and the anticipated date by which the agencies will be able to complete a plan or agreement for the park. Where multiple parks are anticipated to be included in a single plan, those parks are grouped together.

### PROGRESS UPDATE AS OF MAY 31, 2023

	<b>Park</b>	<b>Proposed Completion Date</b>	<b>Status</b>
1.	<b>Everglades National Park</b>	Not applicable	The agencies terminated the planning process for this park because the Act no longer required a plan or agreement. 87 Fed. Reg. 43,595 (July 21, 2022).
2.	<b>Olympic National Park</b>	Not applicable	Plan completed on July 20, 2022
3.	<b>Mount Rainier National Park</b>	Not applicable	Plan completed on July 20, 2022
4.	<b>Death Valley National Park</b>	Jan. 31, 2023	Plan completed on August 17, 2022
5.	<b>Glacier National Park</b>	Jan. 31, 2023	Plan completed on September 19, 2022
6.	<b>Bryce Canyon National Park</b>	Jan. 31, 2023	Plan completed on October 12, 2022
7.	<b>Arches National Park</b>	Jan. 31, 2023	Plan completed on October 18, 2022
8.	<b>Canyonlands National Park</b>	Jan. 31, 2023	Plan completed on October 18, 2022

	<b>Park</b>	<b>Proposed Completion Date</b>	<b>Status</b>
9.	<b>Natural Bridges National Monument</b>	Jan. 31, 2023	Plan completed on October 18, 2022
10.	<b>Great Smoky Mountains National Park</b>	Jan. 31, 2023	Plan completed December 2, 2022
11.- 13.	<b>Golden Gate National Recreation Area/Point Reyes National Seashore/San Francisco Maritime National Historical Park</b>	Jan. 31, 2023	Plan completed January 10, 2023
14.	<b>National Parks of the New York Harbor</b>	Aug. 31, 2023	Voluntary agreements signed between the agencies and all operators on January 25, 2023.
15- 16.	<b>Glen Canyon National Recreation Area/Rainbow Bridge National Monument</b>	Aug. 31, 2024	On April 28, 2023, the agencies signed a voluntary agreement with one of the two operators who had not previously signed a voluntary agreement. The agencies are working to finalize a voluntary agreement with the remaining operator.
17.	<b>Badlands National Park</b>	Dec. 31, 2023	On May 16, 2023, the agencies released a draft ATMP and environmental assessment for public review. The public comment period will close June 20, 2023.

	<b>Park</b>	<b>Proposed Completion Date</b>	<b>Status</b>
18.	<b>Mount Rushmore National Memorial</b>	Dec. 31, 2023	On May 16, 2023, the agencies released a draft ATMP and environmental assessment for public review. The public comment period will close June 20, 2023.
19.	<b>Hawaii Volcanoes National Park</b>	Dec. 31, 2023	On May 16, 2023, the agencies released a draft ATMP and environmental assessment for public review. The public comment period will close June 20, 2023.
20.	<b>Haleakala National Park</b>	Dec. 31, 2023	On May 16, 2023, the agencies released a draft ATMP and environmental assessment for public review. The public comment period will close June 20, 2023.
21.	<b>Bandelier National Monument</b>	March 31, 2024	The agencies are revising a draft environmental assessment and ATMP and preparing documents for public review.
22.	<b>Lake Mead National Recreation Area</b>	Aug. 31, 2024	On May 26, 2023, the agencies sent letters to existing operators who fly over the park (for air tours and/or transportation purposes) requesting information regarding routes and whether the operators would be interested in pursuing voluntary agreements for this park.
23.	<b>Canyon de Chelly National Monument</b>	Dec. 31, 2024	The agencies are preparing a draft environmental assessment and draft ATMP.

Respectfully submitted,

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May 31, 2023  
DJ 90-13-1-15766

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Environment and Natural Resources Division  
U.S. Department of Justice

## CERTIFICATE OF COMPLIANCE

1. This document is not a brief or motion and therefore is not subject to the type-volume limits of Federal Rules of Appellate Procedure 27(d)(1)(E)(2) and 32(a)(7)(B). Excluding the cover, signature block, and certificate this document contains 1,063 words.

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