

No. 19-1044

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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

On Petition for Writ of Mandamus

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

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FINAL 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 (Air Tour Management Act). 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 Air Tour Management Act.

On December 19, 2024, the Agencies issued an air tour management plan for the final park covered by the Court's November 20, 2020 order and the Joint Supplemental Report. The Agencies have now completed compliance with the Court's May 1, 2020 Order granting the petition for writ of mandamus.

The following chart shows the Agencies' completion of air tour management plans or voluntary agreements for all parks included in the Compliance Plan and Joint Supplemental Report. The chart lists the parks in descending chronological order according to the date on which plans or agreements were completed. Where

multiple parks have been included in a single plan or agreement, those parks are grouped together.

FINAL PROGRESS UPDATE

	Park	Proposed Completion Date	Status
1.	Everglades National Park	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.	Olympic National Park	Not applicable	Plan completed on July 20, 2022
3.	Mount Rainier National Park	Not applicable	Plan completed on July 20, 2022
4.	Death Valley National Park	Jan. 31, 2023	Plan completed on August 17, 2022
5.	Glacier National Park	Jan. 31, 2023	Plan completed on September 19, 2022
6.	Bryce Canyon National Park	Jan. 31, 2023	Plan completed on October 12, 2022
7.	Arches National Park	Jan. 31, 2023	Plan completed on October 18, 2022
8.	Canyonlands National Park	Jan. 31, 2023	Plan completed on October 18, 2022
9.	Natural Bridges National Monument	Jan. 31, 2023	Plan completed on October 18, 2022
10.	Great Smoky Mountains National Park	Jan. 31, 2023	Plan completed December 2, 2022

	Park	Proposed Completion Date	Status
11.- 13.	Golden Gate National Recreation Area/Point Reyes National Seashore/San Francisco Maritime National Historical Park¹	Jan. 31, 2023	Plan completed January 10, 2023
14.	National Parks of the New York Harbor	Aug. 31, 2023	Voluntary agreements signed between the agencies and all operators on January 25, 2023.
15- 16.	Glen Canyon National Recreation Area/Rainbow Bridge National Monument	Aug. 31, 2024	On August 2, 2023, the agencies signed a voluntary agreement with the remaining operator that had not previously signed an agreement. As of August 2, 2023, the agencies have signed voluntary agreements with all operators for these parks.
17.	Badlands National Park	Dec. 31, 2023	Plan completed November 15, 2023.
18.	Mount Rushmore National Memorial	Dec 31, 2023	Plan completed November 15, 2023.

¹ This Court recently held that the Agencies' plan for these four Parks violated the Administrative Procedure Act, and as a remedy, the Court vacated the air tour management plan but indicated that the Agencies and Petitioners may move for a stay of the mandate requesting that the plan remain in place. *See Marin Audubon Society v. FAA*, No. 23-1067 (D.C. Cir. Nov. 12, 2024). The government is currently assessing that ruling.

	Park	Proposed Completion Date	Status
19.	Hawaii Volcanoes National Park	Dec. 31, 2023	Plan completed December 20, 2023.
20.	Haleakala National Park	Jan. 30, 2024	Plan completed January 9, 2024.
21.	Bandelier National Monument	March 31, 2024	Plan completed February 29, 2024.
22.	Lake Mead National Recreation Area	Aug. 31, 2024	Voluntary agreements signed between the agencies and all operators on August 12, 2024.
23.	Canyon de Chelly National Monument	Dec. 31, 2024	Plan completed December 19, 2024.

Respectfully submitted,

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December 20, 2024

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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 677 words.

2. This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point Times New Roman font.

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