

March 3, 2022

To: **Bob McLaurin, president, Jackson Hole Airport Board**
Ed Liebzeit, vice-president, Jackson Hole Airport Board
Valerie Brown, treasurer, Jackson Hole Airport Board
Rob Wallace, secretary, Jackson Hole Airport Board
John Eastman, member, Jackson Hole Airport Board
Jim Elwood, director, Jackson Hole Airport

Copies to:

<https://hotline.faa.gov/>

Chip Jenkins, superintendent, Grand Teton National Park

Board of County Commissioners of Teton County

Tony Chambers, owner and pilot, Wind River Air

Dr. Ronny Schroeder, Emory-Riddle Aeronautical University

Dear members of the Jackson Hole Airport Board,

Sixteen months ago, scenic tour operator Tony Chambers signed a voluntary agreement with three federal agencies which declared that his helicopter “will not overfly Grand Teton National Park, or within a half mile outside the boundary of the Park, except for the purposes of takeoff and landing.”¹

That’s not how things have turned out.

This letter supplements my December 8, 2021 letter to you, based on newly released radar tracking data. The new data demonstrate that in 2021 his company Wind River Air (WRA) flew another 11 flights that included segments at unacceptably low altitudes inside the boundaries of Grand Teton National Park.

A second set of records, also released under the Wyoming Public Records Act, lead me to conclude that WRA booked some or all of these 11 flights as paid scenic air tours, not “positioning flights”.

¹ A photocopy of this agreement containing Tony Chambers’ signature is attached to this email. The agreement became effective on November 5, 2000, apparently after discussions in Jackson among Mr. Chambers, the National Elk Refuge, Grand Teton National Park and the National Forest Service. It was released to me in accordance with the Wyoming Public Records Act.

One paid scenic tour flew within half a mile of Oxbow Bend, one of the Park's most iconic sites, at an altitude of 882 feet above the ground.

Wildlife in Jackson Hole is under siege as never before. We humans – locals and visitors – are ever more desperate for solitude. Yet more and more people come to enjoy this bewitching land. If there ever was a time for the Federal Aviation Administration (FAA) to address noisy scenic helicopter tours over Grand Teton National Park, now is the time.

Please inform the FAA's Denver Flight Safety Office of this clear pattern of National Park low-level overflights by the Robinson R-44 helicopter registered to WRA. I am making this complaint as co-owner of Flat Creek Ranch, a dude ranch which has an interest in quiet skies around our valley.

As with my December 8, 2021 letter to the Airport Board, I am not talking about WRA's flight segments during takeoff and landings, which necessarily cross a tiny strip of the Park. Rather, I am talking about flight segments taking place between 3.6 and 21.1 miles from the Jackson Hole Airport.

These 11 newly uncovered Park overflights are reminiscent of the flight profiles of scenic helicopter tours in locations such as Maui and Las Vegas. From the radar data on the WRA flights, they appear to be round-trip flights lasting an hour or less, with ideal altitudes for viewing the scenery below. The altitudes flown in these 11 flights ranged from 437 to 1,167 feet above the ground.

How frequently did these Park overflights happen?

The radar data show that in the vast majority of WRA's scenic tours last year, Mr. Chambers has flown outside Park boundaries.

But not all.

Between April and December 2021, WRA took off from Jackson Hole Airport at least 170 times on flights with this unique scenic tour profile. Of these, 170 flights, 11 included segments over the Park. I base this on my consultant's analysis of voluminous radar tracking data released to me in January 2022 by

the Jackson Hole Airport. On February 19, I emailed a draft of this letter to Mr. Chambers so he can refute this assessment if it is inaccurate. I have not heard back.

These 11 overflights occurred during nine of his flying days in 2021. There was one Park overflight on each of these nine days, except for two days when there were two Park overflights.

On each of these nine days, WRA collected money from paying patrons of scenic helicopter tours. These tours had the same descriptive names and same price tags as the ones WRA advertises on its website.² I know this from monthly revenue reports filed by WRA with the Jackson Hole Airport Board.³

The findings in this letter are based mainly on the magic of radar. As an air safety measure the Airport uses radar to track all fixed-wing aircraft and helicopters flying within roughly 50 miles of the Airport. Some of these radar tracks are generated by the position-tracking system (ASD-B) that the Airport requires WRA to operate from his cockpit whenever he flies to or from the Airport.⁴

Thanks to the Airport's efforts to be transparent, a computer file containing 48,000 lines of this new radar tracking data was expeditiously released to me in late January 2022 after I filed a public records request.

By signing the “voluntary agreement” in November 2000, Chambers represented that WRA would not operate within Park boundaries except during takeoffs and landings.

² <https://www.windriverair.com/scenic-tours.html>

³. WRA is required to file these revenue reports because it is obligated under its operating agreement with the Airport to pay the Airport 5 percent of its gross revenue from operations to or from the airport. WRA reports for April-December 2021 were released to me in February 2022.

⁴ The Airport released to me the following explanation from its radar consultant: “We receive the data from a commercial radar feed from L3Harris that is a fused feed of multiple FAA radar sources including ADS-B. It is called NextGen radar data. The FAA contracted with L3Harris to create a commercially available feed of FAA surveillance. . . . Note that this data is derived from multiple official FAA radar sources but does not typically provide low altitude coverage in most non-urban areas like Jackson Hole. Low flying aircraft in non-urban areas, especially those operating visually, like Wind River, are not normally tracked by FAA radar sources. To provide better surveillance of low altitude operations around the airport, the Airport contracted with the same vendor, L3Harris to install a local ground based ADS-B receiver, that they call ADS-B Extend.”

Since that signing 16 months ago, Section 7.0 of this agreement has allowed Mr. Chambers to terminate the agreement at any time by giving a 30-day notice. However, I have been reliably informed that he has not cancelled or changed the “voluntary agreement”. Thus the agreement remains in effect.

Here is what I regard as the most relevant passage in the “voluntary agreement” that Mr. Chambers signed:

“WRA’s operations will not overfly Grand Teton National Park, or within a half mile outside the boundary of the park, except for the purposes of takeoff and landing. WRA will use the most direct route possible to exit and enter the park when taking off and landing, taking into consideration all other land and wildlife manager feedback.”⁵

An early morning flight on July 7, 2021, strikes me as the clearest departure from WRA’s representation in the “voluntary agreement” that it would refrain from flights over the Park (except for takeoffs and landings).

This July 7 flight was also in clear disregard the 2004 FAA’s altitude advisory that all pilots should avoid flying over national parks at altitudes lower than 2000 feet above ground level.

At 7:05 AM that day, the WRA helicopter was 4.2 miles inside the Park boundary when it flew within six-tenths of a mile of one of the Park’s beloved sites, Oxbow Bend. It also flew within 2.2 miles of Jackson Lake and 1.1 miles of the Park

⁵ A photocopy of the “voluntary agreement” is an attachment to this email.

headquarters in Moose, Wyoming. Passing near Oxbow Bend, it was flying at an altitude of 882 feet above ground level.

In an email two days earlier, Mr. Chambers gave the Park advance notice that he planned to make a “sunrise photo flight” on July 7. However, nowhere in his November 2020 “voluntary agreement” is there a proviso allowing photo flights by WRA – whether or not the Park is notified in advance.

The Airport’s radar tracking system recorded five WRA takeoffs on July 7. The first was its 6:47 AM takeoff enroute to Oxbow Bend. Four other short duration, low-altitude flights continued through the day, according to radar tracking data.

At the end of the month, WRA sent its monthly revenue report to the Airport listing all the flights to or from the Airport it flew in July.

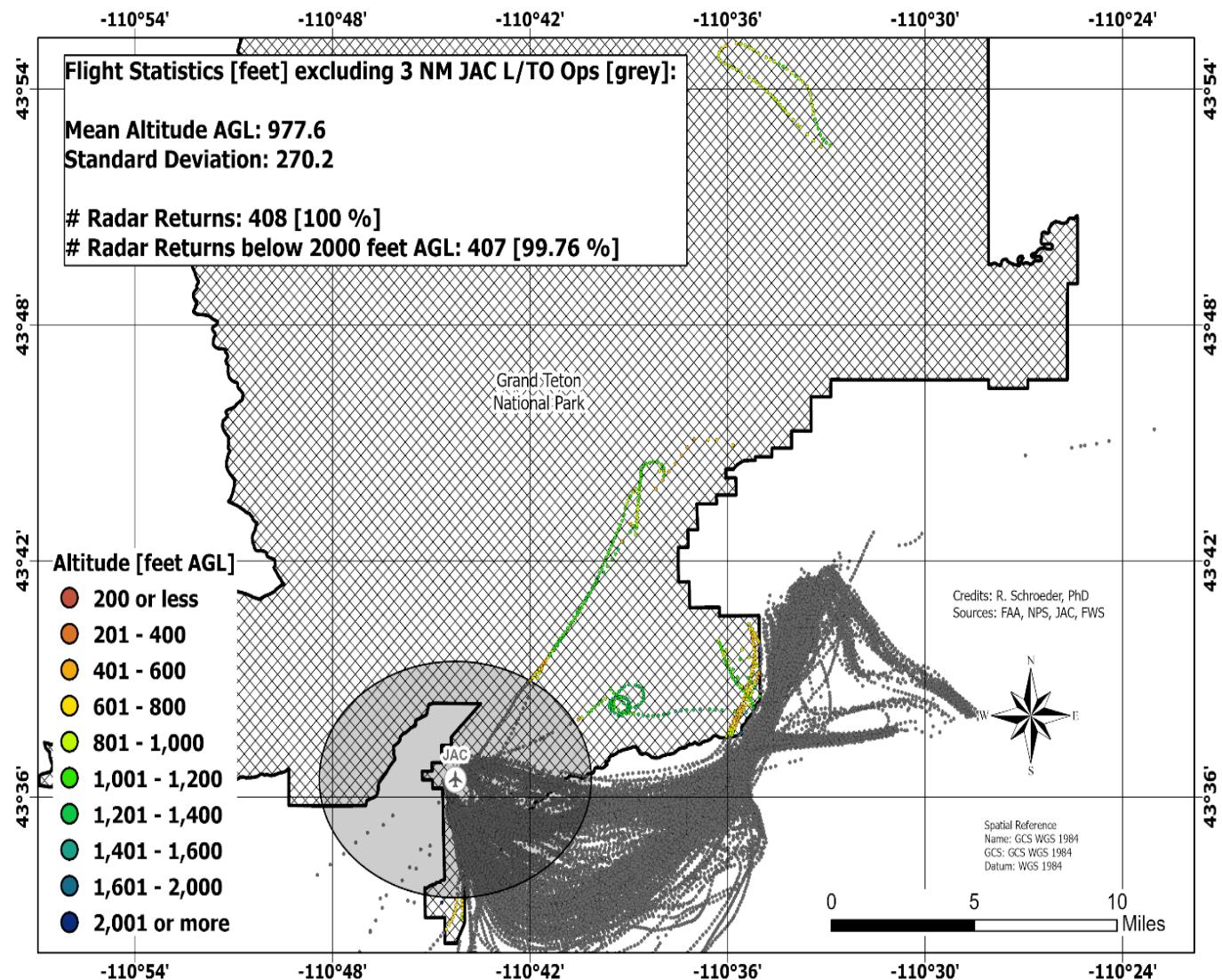
WRA’s July revenue report listed five customer-paid flights from the Airport on July 7, the day of the Oxbow Bend flight. The descriptive names of these five flights were identical to the descriptive names of scenic tours that WRA advertises on the “scenic tour” page of its website. They were the Grand Tour, the Adventure Tour and the Wind River Mountain Tour.⁶

Two intersecting facts lead me to conclude that the Oxbow Bend flight was a paid scenic helicopter tour: 1) that WRA flew exactly five flights that day, and 2) that all five had the same descriptive names in WRA’s revenue records as the names of its advertised scenic tours.

Below are a map and a chart showing 11 WRA flights over the Park, including the Oxbow Bend flight. All occurred from April through December 2021.

⁶ <https://www.windriverair.com/scenic-tours.html>

Flight Above Ground Level (AGL) over National Park Land



ELEVEN WRA OVERFLIGHTS OF GRAND TETON NATIONAL PARK – 2021

Date and Time	Altitude above ground	Distance inside Park boundary	Distance from Airport	Nearest Landmark	Latitude	Longitude
4/2/2021 12:23	544 feet	0.2 miles	7.4 miles	Kelly	43.63325119	-110.5943909
4/2/2021 13:50	585 feet	0.2 miles	8.7 miles	Mormon Row	43.66941071	-110.5879288
5/6/2021 13:11	620 feet	0.3 miles	3.6 miles	South entrance	43.55070877	-110.7382965
7/7/2021 7:05	882 feet	4.2 miles	21.1 miles	Oxbow Bend	43.87548828	-110.5526505
7/8/2021 12:33	980 feet	0.1 miles	3.7 miles	South entrance	43.54858017	-110.7344437
7/26/2021 9:38	437 feet	1.5 miles	8.9 miles	Jenny Lake	43.71564865	-110.6488495
7/30/2021 7:39	1,167 feet	1.2 miles	4.6 miles	Mormon Row	43.63796997	-110.6569977
8/22/2021 11:30	1,050 feet	0.5 miles	8.1 miles	Kelly	43.65822983	-110.5935669
8/22/2021 20:05	542 feet	1.3 miles	3.7 miles	Kelly	43.63261032	-110.6755371
9/2/2021 12:25	928 feet	0.5 miles	8.3 miles	Kelly	43.66236877	-110.5926285
9/3/2021 13:13	927 feet	0.8 miles	7.8 miles	Kelly	43.65774155	-110.5994873

Source: Radar flight tracks released by Jackson Hole Airport, January 2022.

Analysis: Dr. Ronny Schroeder, assistant professor of GIS and remote sensing at Embry-Riddle University in Prescott AZ, with positions in Park calculated by Joe Albright using <https://maps.greenwoodmap.com/tetonwy/mapserver/>

These 11 WRA flights with scenic tour profiles are in addition to eight previously-disclosed one-way “positioning flights.” Mr. Chambers acknowledged flying these eight flights following my December 6, 2021 complaint about them to the Airport Board.

Accompanying this letter you will find Appendix A. This is a response to Mr. Chambers’ statement to the Airport Board on December 21, 2021 that he flew low over the Park in these “positioning flights” because of adverse weather conditions.

Please consider this letter a formal complaint documenting WRA’s 11 round-trip, short duration flights with segments inside GTNP boundaries at altitudes well below 2,000 feet above ground level.

As we all know, the Jackson Hole Airport is wholly within Grand Teton National Park and operates under a Use Agreement with the United States Department of Interior. The FAA retains exclusive authority to regulate whether and at what altitudes aircraft are allowed to fly over National Parks.

According to section 4 (e) of the 1983 Use Agreement between Jackson Hole Airport and the Park, the Airport Board must maintain a record of this complaint and notify the FAA’s Denver Flight Standards Office of any flights over the Park below 2,000 feet above ground level (except during takeoffs and landings).

I hope that the FAA will determine that all 11 of these Park overflights were flown at altitudes lower than appropriate.

They clearly did not meet the recommendations of the FAA’s 2004 altitude advisory, which calls on all pilots not to fly over any national park at altitudes lower than 2,000 feet above the ground, except as necessary (e.g., for takeoffs and landings).

And the flights were not in keeping with WRA’s representation in the “voluntary agreement” that it would refrain from flights over the Park (except for takeoffs and landings).

Please put this complaint on the agenda for the Airport Board's scheduled March 16 meeting. I would welcome your GIS consulting firm reviewing these findings and informing Mr. Chambers, the FAA and me if it finds any inaccuracies.

I thank you for your public-spiritedness in releasing this information and for your patient and competent service to our community.

All best,

**Joe Albright
Co-owner, Flat Creek Ranch**