JOINT OVERSIGHT FIELD HEARING ON NATIONAL PARK OVERFLIGHTS

JOINT OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS

OF THE

COMMITTEE ON RESOURCES

AND

SUBCOMMITTEE ON AVIATION

OF THE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

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JOINT OVERSIGHT FIELD HEARING ON NATIONAL PARK OVERFLIGHTS

MONDAY, NOVEMBER 17, 1997

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS, COMMITTEE ON RESOURCES JOINT WITH THE SUBCOMMITTEE ON AVIATION, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, *St. George, Utah.*

The joint Subcommittees met, pursuant to notice, at 9 a.m., in the Gardiner Center Ballroom, Dixie College, St. George, Utah, Hon. James V. Hansen [chairman of the Subcommittee on National Parks and Public Lands] presiding.

Members present: Representatives Hansen, Ensign, and Duncan.

Staff present: Allen Freemyer, Subcommittee Staff Director; Richard Healy, Legislative Staff; Windsor Laing, Legislative Assistant; Jim Coon, Professional Staff Member; and Nancy Laheeb, Clerk.

STATEMENT OF HON. JAMES V. HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Mr. HANSEN. The meeting will come to order.

Good morning and welcome to the joint oversight hearing today, this joint hearing of the Subcommittee on National Parks and Public Lands, which I chair, and the Subcommittee on Aviation, chaired by my colleague, Congressman John Duncan of Tennessee.

We will address many of the issues surrounding air tour flights conducted over national parks.

We are also very grateful that John Ensign from Nevada is with us, and we also have with us Lisa Jackson, Chief of Staff of Congressman Bob Stump, and we are grateful that Lisa could be with us at this time.

Perceived problems with safety and the natural quiet caused by air tour overflights above national parks, especially the Grand Canyon National Park, has been a recurrent issue since at least 1975, when Congress first addressed these issues and passed Public Law 93–620. This law gave the Secretary of the Interior authority to develop regulations to protect the park from actions causing significant adverse effects on the natural quiet and experience of the park.

Before these regulations were promulgated, a tragic accident occurred in the Grand Canyon compelling Congress in 1987 to pass another law, Public Law 100–19, which addressed park safety and required the Park Service to do a study on noise associated with

all aircraft on the natural quiet of this and a number of other national parks.

This law also requested the Park Service and FAA to provide recommendations which would substantially restore natural quiet in the park. These recommendations became Special Federal Aviation Regulations 50–1 and 50–2 and set up flight free zones and confined the tour aircraft to flight corridors and imposed flight altitude restrictions.

Since implementation of 50–2, complaints from Grand Canyon Park visitors concerned about aircraft noise have dropped to extremely low levels. This would indicate that 50–2 has been successful.

For example, in 1993, there were 56 complaints, and in 1995, there was only 26 complaints, with approximately five million visitors in both years.

Despite this data, however, the Park Service and environmental groups still question the effectiveness of the SFARs, that is, did they substantially restore natural quiet to the park. This disagreement, along with the difference of opinion over the definition of natural quiet remains the center of much of the debate today.

In April 1996, President Clinton issued a policy direction to the Federal Aviation Administration, which promulgated a notice of proposed rulemaking, which significantly altered the flight rules over the Grand Canyon. Specifically, the new rules would double the size of the existing flight free zones, narrow flight corridors, cap the total number of flights, and establish curfews for flight activities.

These rules, with one exception, became effective on May 1997. Since then, President Clinton has ordered an additional action which imposes a ban on air tours in Rocky Mountain National Park even though incredibly there are no air tours operating in that park.

The Presidential directives have also resulted in the formation of the Aviation Rulemaking Advisory Council, which now has the task of developing recommendations addressing overflights in national parks. These recommendations are due very soon and may help in the development of national policy on park overflights.

With that as a background, I want to welcome our witnesses. I recognize, of course, the Members of Congress whom I mentioned before.

We have a lot of witnesses today, and I would like to ask that each of them try to stay within the rules of the Committee, which is 5 minutes or less. However, because we have assembled you here, if you have just got a burning in your bosom that you have just got to do a few more minutes, go ahead and do it. If it gets too bad though, I will gavel you down, and I will be very lenient though on that because I want to hear the testimony from all of you if we could.

I am very honored, of course, as I mentioned before, that John Duncan of Tennessee, the Chairman of the FAA Subcommittee, could be with us. Congressman Duncan also sits on the Park Committee, as does Congressman Ensign. So we have got a double barrel shot at you today, and this is one of the most distinguished Members of Congress, and we are always honored to have him

here, especially with his great legal mind. We used to call him Judge Duncan before he came to Congress.

[The prepared statement of Mr. Hansen follows:]

STATEMENT OF HON. JAMES V. HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Good morning everyone and welcome to the joint oversight hearing today. This joint hearing of the Subcommittee on National Parks and Public Lands, which I chair, and the Subcommittee on Aviation, chaired by my colleague, Congressman John Duncan, will address many of the issues surrounding air tour overflights conducted over national parks.

Perceived problems with safety and the "natural quiet" caused by air tour overflights above national parks, especially the Grand Canyon National Park, have been recurrent issues since at least 1975 when Congress first addressed these issues and passed Public Law 93-620. This law gave the Secretary of the Interior authority to develop regulations to protect the park from actions causing significant adverse effect on the natural quiet and experience of the park.

Before these regulations were promulgated a tragic accident occurred in the Grand Canyon compelling Congress, in 1987, to pass another law, Public Law 100-91 which addressed park safety and required the Park Service to do a study on noise associated with all aircraft on the "natural quiet" of this and a number of other national parks. This law also requested the Park Service and FAA to provide recommendations which would substantially restore natural quiet in the park. These recommendations became Special Federal Aviation Regulations or SFAR 50-1 and SFAR 50-2 and set up flight-free zones, confined the tour aircraft to flight corridors, and imposed flight altitude restrictions.

Since implementation of SFAR 50-2, complaints from Grand Canyon park visitors concerned about aircraft noise have dropped to extremely low levels. This would indicate that SFAR 50-2 has been successful. For example, in 1993 there were 56 complaints and in 1995 only 26 complaints with approximately 5 million visitors in both years. Despite this data, however, the Park Service and environmental groups still question the effectiveness of the SFARs, that is, did they substantially restore "natural quiet" to the park. This disagreement, along with a difference of opinion over the definition of "natural quiet" remains the center of much of the debate today.

In April of 1996 President Clinton issued a policy direction to the Federal Aviation Administration (FAA) which promulgated a Notice of Proposed Rulemaking (NPRM) which significantly altered the flight rules over the Grand Canyon. Specifically, the new rules would double the size of the existing flight free zones, narrow flight corridors, cap the total number of flights, and establish curfews for flight activity. These rules, with one exception, became effective in May of 1997.

Since then, President Clinton has ordered an additional action which imposes a ban on air tours in Rocky Mountain National Park, even though, incredibly, there are no air tour operations at that park.

The Presidential directives have also resulted in the formation of the Aviation Rulemaking Advisory Council (ARAC) which now has the task of developing recommendations addressing overflights in national parks. These recommendations are due very soon and may help in the development of a national policy on park overflights.

With that as a background, I want to welcome our witnesses and recognize the other Member of Congress who traveled to this beautiful state of Utah for this hearing, Congressman John Ensign from Nevada, who is also a member of the National Parks Subcommittee.

There are a lot of witnesses today and I would like to ask that each of them earnestly try to keep the oral statement to 5 minutes or less. Thank you very much and I'll now turn to Chair of the Aviation Subcommittee, Mr. John Duncan.

STATEMENT OF HON. JOHN J. DUNCAN, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TENNESSEE

Mr. DUNCAN. Well, thank you, Jim.

It is certainly an honor to be here with you and with John Ensign.

You have very accurately outlined the task or the purpose of the hearing today, and let me return the compliment, first of all. Jim Hansen is one of the most respected members in the entire Con-

gress. In fact, I do not know of any other member that is a double barrel chairman. He is Chairman of the National Parks Subcommittee and Chairman of the House Ethics Committee, a very difficult job, indeed, and so I think he is the right man to settle this dispute, I guess, that we have here today.

I must say, first of all, that I never thought I would come this far from Tennessee and end up in a place called Dixie.

[Laughter.]

Mr. DUNCAN. But I have a formal statement that I am going to submit for the record.

I participated in July 1994 in the very lengthy and detailed hearing about this issue which we conducted in the Rayburn Building. I know many of the people involved; I know many of the issues involved.

That is basically all I wanted to say at this time. I am looking forward to hearing from the witnesses, and I want to thank all of them for taking time out from what I know are very busy schedules to be here today, and thank you very much for letting me come participate also.

[The prepared statement of Mr. Duncan follows:]

STATEMENT OF HON. JOHN J. DUNCAN, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TENNESSEE

Chairman Hansen, Congressman Ensign, it is a pleasure to be here today in this wonderful community and in the Stale of Utah.

I am fortunate to have the opportunity to serve both on the Parks Subcommittee and as Chair of the Aviation Subcommittee in the Congress, which enables me to have a unique perspective on all sides of this issue.

Let me make clear at the outset that I strongly support the goal of protecting our National Parks from unnecessary aircraft noise.

Natural quiet is a valuable part of the visitor experience at many parks as well as other places in this Country.

Further, there are many legitimate methods for management of aircraft over Parks which will achieve the appropriate balance between aircraft use and protection of the visitor experience, including but not limited to: limitation on time, place and number of aircraft, quiet aircraft technology and management of visitor use patterns.

These management actions are not dissimilar to actions taken to address other resource use allocation issues or management of other uses of park areas.

I also believe that sightseeing by aircraft is a legitimate manner in which to experience the Grand Canyon National Park and other Park areas.

With the efforts put forth by the Aviation Working Group, which consists of Federal, private, environmental, and other organizations, I believe that we can develop a solution which will permit continuation of aircraft overflights while enhancing opportunities for Park visitors to experience natural quiet.

If we work together to develop consensus on a reasonable and common-sense approach, then I think we will be very successful on this and many other issues.

Mr. Chairman, I look forward to hearing from the expert witnesses we have before us today.

Mr. HANSEN. Thank you.

Also we are very pleased to have John Ensign from Nevada with us. John is one of the outstanding stars of the sophomore class and a real comer in Washington. It is a privilege to have him on the Committee, and he has really shown that he is going to be a great Congressman, and we are thrilled that he is going to be with us today on this very important issue.

I will turn to you, John.

STATEMENT OF HON. JOHN E. ENSIGN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEVADA

Mr. ENSIGN. Thank you, Mr. Chairman.

I would like to thank you and Chairman Duncan for holding this very important hearing, and I do have also a formal statement that I would like to submit for the record and just make a couple of very brief observations.

Most of the flights that occur over the Grand Canyon originate in my district in Las Vegas. There are many people who utilize this service because it is the only way that they can see the Grand Canyon, many elderly people, many disabled people, and there are also a lot of foreign visitors that we have that want to see the Grand Canyon that, frankly, do not have a tremendous amount of time to see the Canyon, but they want to make that as part of their trip to America.

When we had a hearing in Las Vegas, Senator McCain had a hearing similar to this in Las Vegas last year. I was there to learn, just as I am here to learn today and to inquire into the witnesses, and one of the striking things about what I heard that day was the number of complaints that are at the Canyon each year, and what shocked me was when the Park Service said that there were 25 complaints. I actually thought that they were talking about 2,500 or 25,000 complaints.

When I heard that the total number of complaints was 25, being in the hotel business, which I was for several years, we did surveys of our customers, and we always would say in business for every one complaint the average is about 20 people that did not complain.

So I started figuring out the statistics of, well, OK, there is 20, and 20 times 25, dividing that by about half a million people coming to the see these areas where the actual impact of the flights would be felt, and it is an incredibly small number, and anybody in the hospitality industry I can tell you would be very, very pleased to have that type of a performance record and those few complaints.

The Grand Canyon is a very, very special place, I think, to all Americans. It is certainly a pride of the Southwest that we want to maintain the type of an experience for visitors to have, but at the same time there are balances, and there is a balance in life that has to be achieved. There are different interests from different people, and it is a question of how do we accommodate the people like the disabled, the elderly, who want to see and experience the park in this type of a manner from a view like that. How do we do that, and how do we put the economic incentives maybe for some of the noisier airplanes to be phased out?

Those are the type of solutions, I think, that we need to look to instead of just restricting the airspace, which is already restricted, and if we restrict it even further, and plus the fact that I think we need to look at the difference between the helicopters and the Arizona tour operators versus the Nevada tour operators. All of that needs to be part of the mix, and I just appreciate you having this hearing today so that we can get into all of these issues.

Thank you, Mr. Chairman.

Mr. HANSEN. Thank you.

As you folks know, this issue has become a bigger issue every day. As John aptly pointed out, how do we take care of all the people who want to see the parks? They cannot all walk through it. They all do not have that ability. Some people should have the opportunity to see it a different way.

The Grand Canyon, I have heard so many stories of people who have flown over it, enjoyed it, could only see it for a few moments; people who are physically disabled one way or another and have only a few ways that they can see it. Many of our foreign visitors who come to see us from other areas, they just have a brief time.

Most of us in this area do not realize what we have here, but when people come to see it and they see the Glen Canyon area, Grand Canyon, Zion's, Bryce, Canyonland, Arch's, Capital Reef, all of it in this one area, they just fall in love with this particular area.

The trouble with our parks is we love them to death, and now we have to figure out how to do this in a manner that is going to work out. Frankly, the Grand Canyon seems to be the one that as we look at and fly over, it seems to be of all of our 375 units the one that receives the most attention. Most of us do have a love affair with the Grand Canyon area. I have hiked both the Bride Angle Trail, the Kiobab Trail. I have floated it a number of times. I also flew a Piper Super Cub right down the middle of it one day when we could do that. I have repented for that.

[Laughter.]

Mr. HANSEN. And in the 1980's, when we worked on this particular piece of legislation with Mo Udall, Mo confessed to flying a Cessna 185 down the middle of it, and then John McCain flew a Tomcat down it, and one of the Smith boys flew an F–4 down it. We have all repented from the sins of our youth, and maybe it worked out how we could come to bring this thing around.

So today we are very interested as overflights is becoming a big issue not just in the Grand Canyon. We were going to have with us Patsy Mink from Hawaii, who had a great interest in this area as you know. In the Hawaiian Islands, there are a lot of overflights. We are seeing them now start going in other areas. I see Fred here from Bryce, and of course, he has helicopters going over his area, and more and more we are seeing more people in the business of fly overs.

Somewhere we are probably going to have to come up with some kind of legislation. I am sure you are familiar with the McCain legislation, and out of this particular hearing, we will probably be looking at drafting some legislation that we hope can somewhere fit a moderate, reasonable position to take care of all of the problems. We fully know we always make somebody unhappy.

We are grateful to have with us Barry E. Valentine, Acting Deputy Administrator, Federal Aviation Administration, and also on the government panel, we have Jacqueline Lowey, Deputy Director, National Park Service, and we are grateful for both of you.

Mr. Valentine, we will start with you. I mentioned before you came in if you could hold it to around 5 minutes, that is fine, but we are not going to turn the lights on for you folks. We will for the others, but we will be quite lenient today on this one.

We do not come all the way out to the West and spend the time if we are just going to cut you right off. So, Mr. Valentine, we will turn the time to you, sir.

STATEMENT OF BARRY E. VALENTINE, ACTING DEPUTY ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION

Mr. VALENTINE. Thank you, Mr. Chairman, and Chairman Duncan, good morning. Members of the Subcommittee, it's a pleasure to be here this morning to appear before you to discuss the Federal Aviation Administration's commitment to our continuing efforts to reduce the impact——

Mr. HANSEN. Before we go any further, can everybody hear Mr. Valentine? Are the acoustics all right? If you could pull that closer.

Mr. VALENTINE. I will bring it a little closer here.

Mr. HANSEN. Thank you very much.

Mr. VALENTINE. Yes, thank you.

[continuing] to discuss the Federal Aviation Administration's commitment and continuing efforts to reduce the impact of aircraft overflights on our national parks.

And with your permission, Mr. Chairman, I would like to submit my formal testimony for the record and offer an abbreviated portion of it here this morning.

Mr. HANSEN. Without objection.

Mr. VALENTINE. The administration has spent significant time and effort to restore natural quiet to the Grand Canyon National Park and to formulate a plan to manage aircraft overflights over national parks across the country.

Our efforts to address overflights date back to 1987 when Congress enacted the National Parks Overflight Act. Since that time, the National Park Service and the FAA have worked together to reduce the impact of overflights on parklands in parks as diverse as Haleakala National Park in Hawaii and the Statue of Liberty National Monument in New York.

As you know, Mr. Chairman, our most challenging task to date has been the congressional mandate to substantially restore natural quiet to the Grand Canyon. Because of the diverse and strongly held positions of the various parties with an interest in the Grand Canyon, it has been difficult to achieve consensus on how to resolve the issues.

However, in December 1996, the FAA and the Park Service published a final rule and two proposed rules that put forth a strategy that will reduce the impact of aircraft noise on the park environment and assist the National Park Service in meeting substantial restoration of natural quiet in the Grand Canyon.

Restoring natural quiet to the Grand Canyon will take the commitment and cooperation of everyone concerned. In the near term, everyone must seek compromise, and the Administration's proposed strategy reflects that compromise. Our strategy includes both short-term and long-term actions necessary to restore natural quiet while balancing the interests and concerns of those with a vested interest in the park.

In an effort to avoid any further increase in noise levels experienced in the Grand Canyon today, the Administration's strategy establishes a cap on the number of aircraft operating in the Park.

The cap is based on the number of aircraft operating in the Park from July to December 1996.

We also established a curfew in the eastern part of the park in the Zuni and Dragon corridors, and we established a 5-year reporting requirement for air tour companies operating over the Canyon.

The curfew achieves immediate benefits in reducing noise levels in some of the most scenic and most sensitive parts of the Park. The reporting requirement will assist the FAA and the Park Service in measuring and monitoring noise levels in Grand Canyon and, if necessary, help us to refine our current noise standard.

Other short term actions in our strategy include increasing the flight free zones in the Grand Canyon and restructuring air routes. Although these short term actions alone will not permit the Park Service to accomplish its legislative mandate of restoring natural quiet to the Park, they are important first steps that will reduce noise levels experienced in the Grand Canyon today, and they will lay the groundwork for future actions that will result in restoration of natural quiet.

One way to restore natural quiet and maintain a viable air tour industry is to conduct air tour operations using quieter aircraft. That is why the Administration has proposed the gradual phasing-out of many of the current air tour craft and replacing them with more noise efficient designs that incorporate quiet aircraft technology.

If adopted, air tour operators would begin to phaseout their noisiest aircraft in the year 2000 and complete the phaseout in 2008.

The proposal also provides incentives for air tour operators to invest in quiet technology aircraft. For example, special air tour routes could be established where only quiet aircraft would be permitted to operate. We believe this part of the overall strategy, phasing out the noisy aircraft with the proper economic incentives, is a viable solution to both restore natural quiet and preserve air tour operations.

Mr. Chairman, this brings us to our most recent initiatives to address air tour operations over parklands nationwide. Before discussing the actions of the National Park Overflights Working Group, I would like to take a moment to clarify the FAA's position concerning airspace jurisdiction.

Federal law and congressional policy mandate that the authority over the airspace reside in one agency, the FAA. The National Park Service supports this position. The FAA believes that it is essential that this position be maintained.

In the past, the FAA has consistently opposed any legislative proposal that has either directly or indirectly diluted the FAA's authority over airspace. I can assure you, Mr. Chairman, the agency will continue to do so.

The FAA's broad authority and responsibility over the airspace is acknowledged and accepted by the National Park Overflights Working Group and the Working Group's recommendations will reflect this position.

With that said, I would like briefly to bring you up to date on the national efforts. Based on our experience in the Grand Canyon National Park, we learned the importance of bringing all of the in-

terested parties to the table early. Therefore, we made sure all interested parties were represented on the National Working Group.

I am pleased to report that the National Working Group has reached a general consensus on most issues and has formulated recommendations and will meet with the FAA's Aviation Rulemaking Advisory Committee, or ARAC, and the National Park Service Advisory Board in the near future. The ARAC and NPS Advisory Board will then review the Working Group recommendations and will report to the FAA and the NPS.

The partnership approach developed by Secretaries Slater and Babbitt is the most promising and rational approach for dealing with this issue. We believe that together the National Park Service and the Federal Aviation Administration are well on the way to achieving a national overflights rule that will continue to provide access by air, while maintaining the beauty and unique experience that the national parks afford.

This completes my prepared statement, Mr. Chairman, and I would be pleased to answer any questions you or members of the Subcommittee may have.

[The prepared statement of Mr. Valentine may be found at end of hearing.]

Mr. HANSEN. Thank you very much.

Jacqueline Lowey, we will turn the time to you.

STATEMENT OF JACQUELINE LOWEY, DEPUTY DIRECTOR, NATIONAL PARK SERVICE ACCOMPANIED BY ROBERT ARNBARGER

Ms. LOWEY. Thank you, Mr. Chairman, and thank you for——

Mr. HANSEN. Could you pull that a little closer to you so we can pick you up?

Ms. LOWEY. Thank you, Mr. Chairman, and thank you for the opportunity to be here and particularly to visit your beautiful state.

I am joined today by several superintendents, as you noted earlier: Rob Arnbarger from Grand Canyon; Fred Fargagrin from Bryce; Don Falvy from Zion, and Sheraton Steel from Curacante.

For the last 125 years since the creation of Yellowstone National Park in 1872, the Congress and the executive branch have worked as partners in setting aside and protecting this great nation's natural, cultural, and historic resources. The National Park Service was given the mission of conserving these resources and of providing for their use by the public by such means as will leave them unimpaired for the enjoyment of future generations.

What foresight our nation's leaders had in setting aside these spectacular lands. As our population increases and suburban areas and urban areas grow, people will continue to have the opportunity to experience the sights and the sounds of these lands in perpetuity.

Let me say up front and clearly, as Barry said, the National Park Service recognizes the value of air tour industry, its contribution to our economy, and the experience it offers to many of our visitors. We do not seek to ban air tours over all national park system units, as some fear.

However, the increasing number of air tours of national parks pose a real challenge because, on one hand, air tours provide visi-

tors a wonderful opportunity to enjoy the parks from the air. On the other hand, in some instances, these tours can have a substantial negative impact on the ability of other park visitors to enjoy their experiences and to have the opportunity to experience some of the unique resources and values of the park.

Congress wisely recognized this when it passed the National Parks Overflights Act in 1987 and directed the National Park Service to achieve a substantial restoration of natural quiet at Grand Canyon National Park.

Air tour operations have provoked serious concerns around other parks, such as Great Smoky Mountains, Haleakala, Glacier, Canyonlands, Zion, Bryce, Rocky Mountain and others.

Both by law and by Presidential direction, the National Park Service is directed to preserve natural quiet in certain units of the national park system. Natural quiet, the natural ambient sound conditions in parks, including the sounds of birds, rivers, and nature without intrusion of mechanical noise has been explicitly recognized as a value the National Park Service should protect.

The Federal Aviation Administration, which has sole authority over the regulation of our nation's airspace, is a vital partner in carrying out that direction. The National Park Service has the authority and the responsibility to assess the impact of overflights on park resources and visitor experience, but the FAA must determine the efficacy and safety of all airspace management proposals.

Both agencies must and do work diligently together to address the management of air tours over national parks, the quality of service provided to park visitors, and the impact these tours may have on park resources and other visitors, and, Mr. Chairman, as someone who has worked for both the Department of Transportation as the Deputy Chief of Staff there and then most recently as the Deputy at National Park Service, I have been on both sides of the table as we have had discussions about this issue, and I can assure you that both agencies are committed to finding a common sense approach to this effort.

The 1994 National Park Service report to Congress on overflights made a number of pertinent recommendations.

The FAA should develop an operational rule triggered by National Park Service to regulate air tour operations where they have or may have adverse effects on national parks.

FAA should implement a rule which would provide for the protection of natural quiet in national parks, allowing regulated air tour operations in most, prohibiting them where the size or configuration of the park or the sensitivity of the park's resources require it, and that all reasonable tools and methods should be used in establishing appropriate airspace noise management controls for each park which has tours.

Even before the 1994 report was completed, then Secretary of Transportation Peña and Secretary of Interior Bruce Babbitt agreed to form an interagency working group to explore ways to limit or reduce the impact of overflights in national parks. I was Secretary Peña's representative to that working group. Barry and I worked quite closely together at that time.

President Clinton in 1996, in his Parks for Tomorrow initiative, directed the Secretary of Transportation to continue development of

rules that address the national park overflights issue. The President, like you, recognized the need for a comprehensive national policy on this issue.

I will not go into detail about the National Parks Overflights Working Group, which Barry has previously discussed, but in short, let me say that all interests are represented on that working group. There are members of the aviation community, from the environmental community. We have had active participation from both agencies, and the task has really been to come up with a process, and we are delighted by all reports that suggest this has been a very cooperative effort and informed that there is a consensus recommendation that will be forwarded both to the FAA and to the National Park Service in the near future, and we will use that recommendation as the basis of a further rulemaking to address this issue nationally.

That concludes my prepared remarks. My full statement I would like to submit for the record.

[The prepared statement of Ms. Lowey may be found at end of hearing.]

Mr. HANSEN. The gentleman from Tennessee, Mr. Duncan.

Mr. DUNCAN. Thank you, Mr. Chairman.

Mr. Valentine, how many flights are there over the Grand Canyon each day at this time?

Mr. VALENTINE. It varies seasonally, with the highest number happening during the summer, the high tourist months, and tapering off to pretty low numbers during the winter. I do not know what the numbers are at this time. It is in the, you know, dozens.

Mr. DUNCAN. Is the information that I have been provided correct that there are far more overflights over the Grand Canyon than any other unit of the national park system?

Mr. VALENTINE. I believe that is correct, although there are quite a few more in Hawaii as well.

Mr. DUNCAN. Of the 356 units in the national park system, do you know how many have overflights or in which there has been some sort of complaint or problem expressed? Do either of you know that?

Mr. VALENTINE. The material I have indicated that there are, depending on how you interpret an overflight or a sightseeing tour, that there are probably upwards of 60 parks that have some kind of overflight activity.

Mr. DUNCAN. Now, over the Grand Canyon, you have already established some flight free zones that cover what, about half of the Grand Canyon?

Mr. VALENTINE. Prior to the NPR, about 45 percent of the Canyon was a flight-free zone. In the rule as proposed, part of which as you know has been put on hold temporarily, we would increase that up to 80-some odd percent of the Park.

Mr. DUNCAN. Well, you know, a year ago the National Transportation Safety Board expressed a concern about air safety if you further restrict the zones of flight. Are you concerned about that, or do you feel that is a valid concern that they expressed when they did so about putting further limitations or restrictions on the areas in which planes could fly?

Mr. VALENTINE. That is clearly a circumstance that we are very much aware of. Obviously if you reduce the airspace available and continue the same number of flights, you have got what we call compression of activity, and so we are very cognizant of the need to make sure that in the redesigned airspace adequate safety margins are maintained. So that has been designed into the program.

Mr. DUNCAN. I want to let the other ask some questions, so I do not want to get too much, but in your testimony you have studied about a phaseout of noise of aircraft by the year 2008 and giving incentives to tour operators to do that. What types of incentives are you talking about? Do you have any idea about what kind of figures or how expensive this might be? Are you talking about financial incentives?

Mr. VALENTINE. The kinds of incentives we are talking about are those such as allowing the quieter technology aircraft not to be affected by the curfew, to be able to operate at times when other aircraft may not, and to offer those aircraft preferential routes. So those are the two principal incentives.

Mr. DUNCAN. I see.

Mr. VALENTINE. We have revised our cost figures somewhat because of a revision of the number of aircraft we have subsequently found that actually operate at one time or another over the Grand Canyon. Originally we thought it was somewhere in the neighborhood of about 150, in round numbers. Now it is more like 260. So that raises the cost of compliance, also reduces the benefit figure, but depending upon the rate of phaseout, the cost is going to be substantial because the aircraft that will be converted are more expensive than those that are being operated.

Mr. DUNCAN. Ms. Lowey, how much is being raised in overflight fees from the tour operators at this time at the Grand Canyon? Do you know?

Ms. LOWEY. I do not have that number. As you may know, some of the operators have contested paying that fee. Perhaps we could submit for the record.

Rob, would you like to add to that?

Mr. ARNBARGER. Approximately $1.7 million.

Mr. DUNCAN. One, point, seven million.

Did you pick that up?

Would you identify yourself and give your answer again, if you would, please?

Mr. ARNBARGER. My name is Robert Arnbarger, Superintendent of the Grand Canyon.

Mr. DUNCAN. Come up and grab a mike if you would, please. We would appreciate it.

One, point, seven million, and how is that money being spent?

Mr. ARNBARGER. Presently that money under the fee demonstration Act or proposal to Congress is just starting this year being returned to the park, and we will, in fact, be using that portion of that money returned to the park for, in fact, the management of aircraft, management programs, resource programs, monitoring programs, and such. It is approximately $1.7 million that is raised annually. Before this year, that money was being returned straight to the Treasury.

As Jackie said, there are four operators that have refused payment. Those cases are before the U.S. District Court at this time.

Mr. DUNCAN. My time is up, but just let me ask one last question.

Chairman Hansen mentioned about 25 complaints in 1995 and 56 complaints or something in 1996. Are the complaints up, down, running about the same this year?

Mr. ARNBARGER. Since November 1996, and I was asked this question in a hearing last fall, to this point in time we have had 70 complaints and two letters in favor.

Mr. DUNCAN. And that is roughly five million visitors a year; is that correct?

Mr. ARNBARGER. Roughly 4.9, 4.8, round it off to five.

Mr. DUNCAN. It almost looks some somebody could stir up more complaints than that.

Ms. Lowey, do you have any disagreement with Administrator Valentine when he says that even the Park Service agrees that the FAA should control this airspace? Is there any dispute about that?

Ms. LOWEY. No, absolutely not. The position of the Park Service has always been that there is one agency with jurisdiction over the airspace, and that is the FAA.

Mr. DUNCAN. All right. Thank you very much.

Mr. HANSEN. The gentleman from Nevada, Mr. Ensign.

Mr. ENSIGN. Thank you, Mr. Chairman.

I have a couple of questions, first of all, on the proposed air tour routes coming from Nevada versus the ones coming from Arizona. First of all, when you have done the studies, which aircraft are noisier? I guess it is kind of an obvious question, but the helicopters or the airplanes? Either one of you can answer. I guess the FAA would be more appropriate to answer it.

Mr. VALENTINE. Generally, depending on the type of aircraft or the type of helicopter, you can get it going both ways. The helicopters tend to operate the shorter routes, and the airplanes the longer routes through the canyon. So depending on what you are talking about, if you're talking about full exposure——

Mr. ENSIGN. Let me ask the Director in the Grand Canyon. When you are there, I mean, is it more intrusive, the helicopters or the airplanes, or are they the same?

Mr. ARNBARGER. You cannot get a simple and easy answer with this because it involves everything from flight duration, speed of the aircraft, prop pitch, and so forth. So it would be not wise to make a gross generalization that one is louder than the other. Each type of aircraft has its own signature.

Mr. ENSIGN. OK. The 70 complaints that you have had this year, 25 last year, and 50 in 1996, what part of the park are those complaints generally coming from? Are they coming from specific parts of the park?

Mr. ARNBARGER. Well, right now the tours are confined to established corridors.

Mr. ENSIGN. No, no, no. The complaints.

Mr. ARNBARGER. That is what I am getting ready to answer.

So those tours are confined to established corridors.

Mr. ENSIGN. Right. No, no, the question I am asking is most of the Arizona tours, are they helicopter tours that go to certain parts?

Mr. ARNBARGER. Oh, I am sorry. I cannot answer that question as to what segment, whether it is Las Vegas tours——

Mr. ENSIGN. Do you think that is important to establish? In other words, because from what I understand in the new rulemaking, the Arizona flights, the helicopter flights are not that affected, where the flights coming from Clark County are affected, and if the complaints or the air noise complaints are coming from the helicopter tours, I mean, isn't it important to know where those are coming from before you establish rules?

Mr. ARNBARGER. It is important in the sense of trying to distinguish where the predominant number of complaints are coming from. They seem to be coming from the most heavily used back country areas of the park, which is near Zuni corridor, which is near the Dragon corridor. Those are the most heavily used areas.

However, we also receive complaints from the Sanup area, which is further to the west. It involves the Las Vegas fares.

Mr. ENSIGN. But you are telling me that you are establishing rules not knowing where the complaints statistically are coming from. You have not established that.

Mr. ARNBARGER. No, I am not telling you that. I am telling you that I do not have that information with me right now.

Mr. ENSIGN. OK, but you can get that for me?

Mr. ARNBARGER. And I will submit that for the record.

Mr. ENSIGN. I guess let me ask you this, and, Jacqueline, maybe you can answer this because you have been involved with this from both sides of the table. Was that looked at, where the complaints were coming from to determine where on a statistical basis—in other words, if there was one complaint 5 years ago in this one area, well, maybe we did not need to ban that one area.

Ms. LOWEY. I have two answers for that. One, with respect to the current proposed routes, as you know, we are in the middle of an ongoing rulemaking on that. So I am going to limit my response on that.

I think that we certainly factored in, and Rob can address this more directly and will submit for the record, both where complaints were coming from, but in addition to the complaints, the park also set up monitoring systems throughout the park to assess the overall impact of noise on different parts of the park.

Mr. ENSIGN. OK. Based on that monitoring, OK, can you tell me is there more noise from the helicopter regions or is there more noise, based on an objective monitoring station?

Ms. LOWEY. Again, I think that there is not that clear a distinction, and we would be happy to submit the information on our monitoring results and on the complaints for the record.

Mr. ENSIGN. So it is basically the same is what you are saying?

Mr. ARNBARGER. Many, if not all, of these routes are traveled by helicopter and by fixed wing tour as well, and in fact, the audio instrument does not distinguish between helicopter sound or aircraft sound. It says sound.

In the Dragon corridor, that one corridor alone, there are times there where there is a flight through that corridor once every 90

seconds. The amount of time it takes for the sound to diminish is 4 minutes. Now, if you figure that out, it means there is a continuous thread of sound at all times through that corridor by both helicopter and fixed wing.

Mr. ENSIGN. I just thought it was kind of important, I mean, if one is causing more and you are trying to get to quieter technology and those types of things.

Mr. Chairman, if you would just indulge me with one or two more questions because I think that a couple of these things are important.

You mentioned the incentives. Basically you close down parts of the park, and then an air tour operator has an incentive. Well, OK, if I do not want my business to be destroyed, then I change over the technology and I go to this new lower noise technology so I can go back to the places of the park that I used to go to.

Have you figured out how long it would take an air tour operator to pay, to amortize out, you know, basically to get that business back because of the amount of money it costs to change over? Have you done any statistical analysis on that?

Mr. VALENTINE. Yes, we have done some economic analysis on the impact, for example, of holding the road as opposed to allowing what we would expect the rate of growth to be, and we have done some analyses on reductions of growth, and we have looked at what kind of costs might be incurred over time to replace current aircraft with quiet technology aircraft. We can provide you with that information.

But in terms of doing an analysis of what an individual business would experience in going from, say, a current level to a reduced level back up to an increased level with the technology, I do not believe we have done that kind of analysis.

Mr. ENSIGN. So you cannot tell us whether or not you think that an air tour operator would be able to switch over to this technology.

Mr. VALENTINE. If I understand you, one of the reasons for having at the time that this goes into effect a 10-year phaseout was to try to allow sufficient time for people to make that transition.

Mr. ENSIGN. Right.

Mr. VALENTINE. There is the desire to have it happen a lot more quickly, but it was argued it should at least be extended long enough to be——

Mr. ENSIGN. Right, but don't you kind of have to know whether it is possible to do? In other words, 10 years is an arbitrary number. Shouldn't there be some relatively objective studies to say technology costs X. You have got so many airplanes. It is going to cost, and say I have 100 airplanes; it is going to cost me, you know, so much to get my business back. I have got to be able to make so much.

I mean there has to be some economic studies. Otherwise you could be shutting down air tour operators without you even knowing it if you do not have those numbers; is that not correct?

Mr. VALENTINE. There is that potential. That is correct, sir.

Mr. ENSIGN. And you have stated and, Jacqueline, you have stated that you recognize the value of air tour operators. OK? And

would you—I am just trying to say should we not have the information before we just, you know, willy nilly go about this?

You have said that you guys have studied this, and yet it does not sound like that you have studied this.

Ms. LOWEY. If I may, Congressman, with respect to the phaseout, we are at the preliminary phases in the rulemaking on that, and as part of moving forward on that rulemaking——

Mr. ENSIGN. Yeah, but wasn't this rulemaking already supposed to have taken effect if it wasn't for some of the court battles? Some of this stuff already would have been in effect, and yet you do not have these studies.

What I am saying is: were these things taken into account ahead of time? Shouldn't you already know this stuff since this rulemaking already, if it was not for some of the court battles going on, this stuff would have already taken effect? You could have already been shutting down a lot of these tour operators, having a major economic impact on my district, on a lot of these people, a lot of these jobs, for 25 to 70 complaints a year out of five million.

Ms. LOWEY. I restate what we said earlier, which is that we recognize that the value of the air tour industry, and as we move forward in the process we will continue to work to come up with a balanced situation, which will provide for the congressionally mandated restoration of natural quiet and also provide an opportunity for people to experience the Grand Canyon by air.

Mr. ENSIGN. Well, I would hope, and I will conclude with this, Mr. Chairman, I would hope that the balance—and that word "balance" is used—and that all, you know, reasonable, not just what one person thinks, but that you do some statistical analysis of what the economic impacts are going to be versus the benefit, you know, the cost-benefit analysis.

If there are 25 complaints or, you know, 70 complaints a year, how many complaints are acceptable? That should be defined. You know, we have 70. Do we want to get it down to one complaint a year, two complaints a year? What is acceptable?

Because you have talked about that there are going to be further things in the future to do. Well, how are you going to measure? You should have defined measures. What is acceptable in the future to be able to put some of this, you know, further restriction on because you have already talked about today that you want to do things in the future to get it even to more natural quiet? How are we going to determine whether or not what we have done today, like what we did in 1987—we did not have—OK. I think a lot of people would have said what we have today is pretty darn good compared to what it was in 1987, and yet that does not seem to be good enough.

And so we should have goals we are going to try to reach if you are going to put these rules into place.

Thank you, Mr. Chairman.

Mr. VALENTINE. Mr. Chairman, if I might say one thing, when we put out the NPRM and the rule at the end of 1996, there were parts of it that were to go into effect immediately and there were parts that went out as notice of request for comments and the phaseout and phase-in of new technology was one of those that went out for comments and one of those requests for comments

from industry was to tell us about the financial impact on them in order to develop that.

So that is not yet part of the program that has gone into effect. We are still gathering information.

Mr. ENSIGN. No, but the—excuse me. The closing down the free fly zones.

Mr. VALENTINE. That part——

Mr. ENSIGN. That would have already taken place.

Mr. VALENTINE. That would have. The changing in the routes, the changing in the size of——

Mr. ENSIGN. So you have to know that to know what the economic incentive of opening those sites back up to the newer technologies would be. Do you see what I am saying?

In other words, you have already put the major negative economic part of it into place.

Mr. VALENTINE. That is correct. I follow what you are saying.

Mr. ENSIGN. OK.

Mr. HANSEN. It is always interesting. When we get into these things, we start playing the definition game. A complaint is a complaint possibly, but both of the gentlemen have alluded to complaints, and you have responded to them.

Let me just say it is very easy. We notice this all the time. If someone says or an environmental group, a business group, whoever it may be, will say, "Get on the Web page and send this thing out on E-mail, and everybody do a complaint on something that we do not like the slimy slug in the Grand Canyon or something like that," and so everybody sends it in.

Well, it has almost become meaningless at that point. So you say, well, we got 70 complaints. I can gin up 1,000 complaints for you in a minute just by putting it on a Web page. So the effectiveness of these complaint things, sometimes it gets mitigated by what is behind it.

You know, in the old days someone would legitimately sit down and write a letter. "I do not like this. It ruined my trip going down the Bride Angel trail." Now it is just kind of a game we play, and we do not put as much stock in it.

The paper will say let's do a poll, and immediately we have our guys pull it up, and everyone will say, "Write in and quickly get this done." So it does not mean much.

The thing that bothers me just a tad on this thing is natural quiet. Years ago when John Symington chaired the Committee that I now chair, Public Lands and National Parks, John wanted to put buffer zones around all of our parks, and the criteria was adjacent to and detrimental to. However, no one defined adjacent to.

So John and I went up to Bryce Canyon, and we were standing at that south peak up there, and John says, "As far as I could see," and it was almost Las Vegas, "was adjacent to." Under that law everybody would come under the direction of the Park Service if any of the little towns wanted to put a road in or fix their sewer system, and so we could not figure it out. It is not in black stone. No one explains it. There is no legal definition.

The next one was detrimental to, and he said it was detrimental to if somebody was driving cows on BLM and there was a plume of dust. It was detrimental to. Another person would think you

have to dig a channel, you know, like the Grand Canyon to make it detrimental to.

So now with that said, give me your definition of natural quiet.

Ms. LOWEY. Mr. Chairman, our definition of natural quiet is the natural ambient sounds of the park without intrusion of mechanical noises. That is the definition of natural quiet.

Mr. HANSEN. Did you put the term "mechanical noise"?

Ms. LOWEY. Yes.

Mr. HANSEN. So a horse walking down the trail would not fall in that category, but if you hear anything mechanical that would do it.

Ms. LOWEY. The definition of natural quiet is one thing. There are different measures of what can disturb natural quiet. It would be the sounds associated, the natural sounds associated with the park.

Mr. HANSEN. Well, according to my able assistant here, the National Park Service to the Grand Canyon has defined natural quiet as 50 percent of the park quiet for 75 percent of the time. Is that how you have done it?

Mr. ARNBARGER. You asked for one question, which was the definition of natural quiet. The definition of natural quiet is those natural sounds in the natural environment absent the sounds of the intrusion of man.

Mr. HANSEN. But you would not have the park 100 percent of the time naturally quiet.

Mr. ARNBARGER. Our goal with regards to the restoration of natural quiet at Grand Canyon, the goal is over 50 percent of the park to be quiet, naturally quiet, restored to natural quiet for 75 percent or more of the day.

Mr. HANSEN. Do you feel that is a realistic goal?

Mr. ARNBARGER. Yes, sir, I do.

Mr. HANSEN. Do you think you can achieve it?

Mr. ARNBARGER. It is going to be difficult, and it is going to require the hard work of the FAA and the Park Service and all of the interests involved to get there.

Mr. HANSEN. Years ago in the early 1980's, we got involved in an issue of motors on the river of the Grand Canyon and other areas. Mercury in Wisconsin did an exhaustive study. I pawed through it and it took me hours to read it, on what they could do and how much a Mercury motor, 25 horsepower, and Johnson and Evinrude would create, and it was infinitesimal, but the cost was really substantial to get it to that point.

Now, I am not really a great aviator. I am a private pilot, and I have spent time as a flight engineer in the Navy and gone through all of the Navy schools. I would like to know from the FAA how do you quiet these babies down. What do you do?

Now, I have talked to Continental. I have talked to Lycoming. I have talked to Garret. I have talked to Pratt-Whitney. I have talked to GE, and I have talked to Sam Williams. They have all got their ideas. They are the ones who make it.

What are your ideas?

Mr. VALENTINE. There are a number of ways to reduce the sounds in aircraft, and I think we have all seen in the last decade or two exactly that at our airports with the introduction of Stage

2 or 3 aircraft, and Stage 1 with changes in engine design and changes in the aerodynamic design of airplanes as well.

There are some what we call quiet technology aircraft operating in the Canyon today. Compared to others, they have essentially different propellers on them, and that is where the noise comes from. In most reciprocating engine aircraft, it is the propeller. It is not actually the engine making the noise. So those things that can be done to quiet propellers are the ones that achieve the greatest benefit.

Reduced power settings is another way of doing so. There is also technology used in helicopters. One of the operators in the Grand Canyon is, in fact, a large customer for one of the no-tail rotor helicopters which are considerably quieter than helicopters with tail rotors, and we will see over time the introduction of more no tail rotors into the environment as well.

So there are a number of technologies available today that, if introduced, would significantly reduce noise, and, Mr. Chairman, I would suggest that quieter aircraft represent the real key to reducing noise in the Canyon, just as they represented the real key to reducing noise at our airports. All of the other things that we do can reduce it somewhat, but that gives the greatest benefit.

Mr. HANSEN. I agree with that, and many of the airports are doing everything they can. For example, the 757s are a lot quieter than the 727s.

Mr. VALENTINE. They certainly are.

Mr. HANSEN. How did they do that and still have that tremendous power they have? It is probably the most powerful aircraft there is in the commercial fleet.

On the other side of the coin, it is extremely costly for United Technologies to pull that off, and it is great that they are doing it, but the technology does not happen like that. It is like building the B–2 bomber. When they started on that, there were 12 things that had not even been invented that Northrup had to think of to invent it before it would even fly.

So this takes a little while, and we just cannot say, "All right. Now we will have a better technology." It is expensive to own, and it takes a long time. For a lot of our air tour people, you know, it is a lot of money to switch these things over and to buy new aircraft. I hope that is all taken into consideration and we at least have some common sense in some of the approaches that we make to these things.

Jacqueline, let me ask you a question that has always bothered me. According to NEPA, all agencies must include in every report on proposals for Federal legislation an environmental impact statement, which is the 1969 NEPA law. Everybody but the President of the United States when it comes to creating the moment has to. He circumvented that, which we will not get into today.

[Laughter.]

Mr. HANSEN. Which does not matter.

Anyway, Public Law 100–91 specifically states that a report shall be submitted to Congress for possible legislative action. In 1994, the Park Service, even though 4 years later, submitted a report, but it did not have an EIS with it. How come?

In other words, you are in violation of the law if you did not put that EIS in. We are not going to hang you over this, but we would sure like to know why the Park Service felt that they could circumvent the law when they do not let anybody else circumvent the law.

Ms. LOWEY. Mr. Chairman, I am unaware of the specifics on the promulgation of that report in terms of the environmental impact statement that came along with it. I know that Congress did require us to submit the report, and I would be happy to submit for the record any other documentation on it.

Mr. HANSEN. Well, I know the Director is new and starting and a great guy, and we wish him very well and hope everything works, but you take that message back for us that we would like to know why that was not done correctly.

Ms. LOWEY. I think, Mr. Chairman, all reports of agencies are not generally subject to a full environmental impact statement.

Mr. HANSEN. That is true, but this one is, and we have looked at that in some detail.

The gentleman from Tennessee, do you have more questions from this group?

Mr. DUNCAN. Yes, just a couple more questions.

Administrator Valentine, a later witness says that in 1987 there were 40,000 air operations and today that has more than doubled. Is that accurate?

Mr. VALENTINE. Yes, sir, that is. As we understand it, it has doubled over that period of time.

Mr. DUNCAN. Is there any question of safety in your mind? Are we nearing some sort of limit, you know, a maximum limit for safety, or can this double again in the next 10 years and not cause you any concern?

Mr. VALENTINE. I think that if the volume of traffic in the current driving structure doubled over the next 10 years, that would probably—and I am saying probably without doing an analysis—produce concern about whether or not the route structure can accommodate safely that many aircraft operations, yes.

Mr. DUNCAN. But you do not have that concern at this point?

Mr. VALENTINE. Do not have that concern at this point, and we would not allow, and once again I want to stress this; we would not allow the level of operations in the Canyon to reach a point where they would compromise safety.

Mr. DUNCAN. Ms. Lowey, let me ask you this. You know, the wilderness areas were created as less accessible areas that would not be broken up by roads and where the hardier backpackers and so forth could go, and they would be much quieter areas, and some people feel today that there are people who want to basically try to turn our national parks into wilderness areas rather than national parks.

Do you see a difference? In your mind is there and should there be a difference between the national parks and the wilderness areas, or is it really the goal of the Park Service now to basically turn the national parks more into wilderness type areas?

Ms. LOWEY. Let me first say, Congressman, that there are many wilderness areas inside national parks, both existing and proposed wilderness areas.

Mr. DUNCAN. Right.

Ms. LOWEY. The National Park Service Organic Act clearly provides for the accommodation of visitors and for the enjoyment of visitors, but it is by such manner and in such means as to leave resources unimpaired, and managers throughout the park system——

Mr. DUNCAN. I know there is some overlapping, but what I am getting at is: is it a goal of the National Park Service to make the national park system more of a wilderness system?

Ms. LOWEY. Sir, not the entire system. As you know, units of the system are in urban areas that certainly are not qualified as wilderness areas. We have historic sites that are not wilderness areas, but there are, in fact, wilderness areas that are both existing and proposed within the National Park Service, and we do treat those as wilderness areas.

Mr. DUNCAN. Well, like the main units of the national park system, like the Great Smoky Mountains National Park and Yosemite and Yellowstone and all of the other, let's say, sections or areas that have been or parks that have been referred to as the crown jewels, so to speak.

Is it the goal of the Park Service to reduce vehicular traffic and reduce overflights?

Now, it is correct that the Grand Canyon has far more than any other park as far as the overflights go; is that correct?

Ms. LOWEY. I believe so, yes.

Mr. DUNCAN. Is there any other park—I mean this is a hearing primarily about the Grand Canyon, but it is supposed to cover really all of the parks—is there any other park that even has half as many flight operations that you know of?

Ms. LOWEY. I do not know if anyone else knows numerically if anything has anything close to that, but that, I think, sir, is one of the real important features of the national rule that we would like to write based on the recommendations of the working group because what we will be able to do is look at all of the different factors with respect to the number of aircraft over different national parks and come up with one——

Mr. DUNCAN. Let me ask you one question in that regard. I have been told that the working group has reached agreement on almost all major issues, with the exception of the altitude for the flights, 3,000, 5,000, whatever. Is that accurate, and are you near agreement on that?

Ms. LOWEY. The Park Service has not yet officially received the transmission of the working group's recommendation. I think the issue that you are referring to is what do you define as an air tour, and there was a lot of discussion back and forth as to what the definition was, and altitude is one of those, and we have not yet had the working group transmit the report to us.

Mr. DUNCAN. All right. Thank you.

Mr. HANSEN. The notion of why there is a great number of overflights in the park.

The gentleman from Nevada, further questions for this panel?

Mr. ENSIGN. Yes, Mr. Chairman.

I want to get back because I just think that this is such a critical, fundamental point that we address. How many complaints are acceptable per year?

Ms. LOWEY. Are you directing that question at me?

Mr. ENSIGN. Either one.

Ms. LOWEY. I think that the Park Service consistently strives to have as few complaints as possible, but we do not manage resource exclusively on the basis of the number of complaints that we received.

Mr. ENSIGN. OK. Mr. Chairman touched on this a little bit in what he was talking about surveys versus complaints, because complaints can easily be generated. If there is a particular interest group out there that wants to generate some complaints, they can easily do that, and 70 would be absolutely no problem even for a small group to do.

Has the National Park Service done surveys, scientific surveys?

Ms. LOWEY. Yes.

Mr. ENSIGN. And since, say, 1987, in the last 10 years, I guess what are those surveys showing? Have you done surveys over the last 10 years, and maybe which years have you done those?

Ms. LOWEY. I would be happy to submit for the record specifics on the surveys.

Mr. ENSIGN. OK.

Ms. LOWEY. But if I could just summarize for you, we have surveyed on natural quiet and of the importance of quiet and solitude to our visitors and their park experience, and it is something on the order of 80 or 90 percent of the respondents to those surveys that have indicated that that is an important part of their park experience.

Mr. ENSIGN. And of those surveys, what percentage of the people put down that they feel they had a very positive experience at the Grand Canyon?

Mr. ARNBARGER. The surveys were done in different locations within the park. The survey done on the south rim in a congested area, developed area on the overlook area where, in fact, no flights were occurring, 92 percent of the people at that location said that they did not have trouble with overflights.

The other places were we surveyed were on back country trails and in the river corridor where there was people using those resources. Thirty-six percent of those people and 37 percent of those people, respectively, indicated they had a real problem with overflights, and in fact, they also indicated that if they heard an overflight as little as 10 percent of their trip that, in fact, it destroyed their trip.

Those are the survey results from the spectrum of locations that we surveyed.

Mr. ENSIGN. OK, and of those, getting back, what locations were those? The back country ones, were those the Arizona or were those the Nevada tour operators?

Mr. ARNBARGER. Those were taken from a variety of back country trail locations.

Mr. ENSIGN. OK. Do you have those broken down?

Mr. ARNBARGER. In that survey, yes, sir, I do. I do not have the exactly location of——

Mr. ENSIGN. Do you remember was there a significant difference between the two?

Mr. ARNBARGER. I do not recall right now at this time.

Mr. ENSIGN. You do not recall. The reason I am asking this is because everything that I have read, there is a big difference. As a matter of fact, the Arizona tour operators, you know, have the prettiest parts of the park, and their flights are not being nearly as affected as the ones coming from Nevada under the proposed free fly zones, and the reason I am asking that is, first of all, do you know why that that has not been an issue, why the tours coming out of the Arizona are not being affected as far as the free fly zones or as affected as the ones coming from Clark County?

Mr. ARNBARGER. I live with those tour operators, and I think there would be a collection of those people that would probably disagree with you about the relative effects.

Mr. ENSIGN. OK.

Mr. ARNBARGER. Because I have a lot of contact with them, and I would say they may have——

Mr. ENSIGN. Well, won't they have the same—they will basically still have the same areas that they will be able to fly over?

Mr. ARNBARGER. That is not necessarily true. That is dependent upon the work that the FAA and the Park Service is involved in right now.

Mr. ENSIGN. No, under the current, under the ones that were proposed last year, wasn't that true?

Mr. ARNBARGER. The key component of that work that is not done is, in fact, the laying out of the routes, the specific routes, and it is in that particular area that, in fact, it could have wide ranging effects on all air tour operators.

Mr. ENSIGN. OK, and just real quickly on this number in those surveys, what kind of numbers did you do and were they random? Were they scientific?

Mr. ARNBARGER. Yes, sir.

Mr. ENSIGN. OK.

Mr. ARNBARGER. It was a research study that was conducted. It was not done by unqualified people.

Mr. ENSIGN. And do you know who did that, who was hired to do that?

Mr. ARNBARGER. I do not have that. I can provide that for the record.

Mr. ENSIGN. I would appreciate that.

Mr. ARNBARGER. That entire study and the results of that study are presented in the report to Congress, as well as——

Mr. ENSIGN. There was just one study done then?

Mr. ARNBARGER. At least one that I know of, if not more.

Mr. ENSIGN. OK. Do you know how long ago that study was done?

Mr. ARNBARGER. I do not have the exactly date. I believe it was 1990, 1991.

Mr. ENSIGN. OK. So we do not have like studies and then to see whether over time things have gotten better, things have gotten worse, things are dramatically better, dramatically——

Mr. ARNBARGER. That study was done for the report for meeting the requirements of Congress in the report to Congress.

Mr. ENSIGN. OK. So we do not have those over time then is what you are saying; is that correct?

Mr. ARNBARGER. That is correct.

Mr. ENSIGN. OK. Thank you, Mr. Chairman.

Mr. HANSEN. Mr. Valentine, we talked about jurisdiction. Both you and Jacqueline have alluded to the idea of the meeting of the minds, that you feel comfortable with it and the Park Service feels comfortable with the meeting of the minds on jurisdiction; is that right?

Mr. VALENTINE. That is correct, sir.

Mr. HANSEN. Who did it? Was this done by politicians or was this done by specific people, scientist type, pilots? Who put the final stamp of approval on this?

I sometimes worry that we get out of our realm, and I speak of Members of Congress, some people in political appointed positions, and I think the Pentagon is the classic example of that. As one of the senior members of the Armed Services Committee, I say that very respectfully to anybody who wants to argue that.

Who did this? Who did the study?

Now, I have great respect for park superintendents. Some of the finest Americans I know right here in this area are park superintendents, but I do not want them to fly the space shuttle, and I do not know if I think they should have too much jurisdiction over some of these other things. They are very good at what they do.

And what bothers me is this working group. Here is what it says here. "The working group recognizes several parks, for example, Grand Canyon and Rocky Mountain, are subject to specific legislation, agency administration action, or legal controversy."

So these two are kind of excluded from this working group.

"This rule is not intended to affect these ongoing processes in any way." So they have an ongoing process in these two.

"The working group believes, however, that this rule could and should apply in the event that the current rules are no longer in effect."

The next sentence turns around and says the park superintendent, the gentleman who has the responsibility, "shall be responsible for determining the nature and extent of impacts on natural and cultural resources and visitor experience opportunities."

So we put a lot of responsibility on that gentleman. So he is the man that is the final arbitrator; is that correct?

Mr. VALENTINE. He is the one who is the final arbitrator to determine what impacts are being felt by a particular park unit, yes, sir.

Mr. HANSEN. But what is the yardstick? What is the criteria and the parameters that we give a superintendent? Do we just say, "Look. You just do what you want to do"? Maybe you are inclined to say nothing flies over and the next guy says it all flies over. It cannot go that way. Someone has got to have some yardstick to do this obviously. We're just not going to leave it up to somebody to pick it out of the air, are we?

Jacqueline.

Ms. LOWEY. If I might, Mr. Chairman, it is, in fact, the superintendents and the managers of each park unit who are charged with determining the health of the resource, of the park unit, as

a member of that working group. What we were talking about there was saying that we had ongoing rulemakings on both Hawaii and Grand Canyon. What we sought to do was to prevent the same kind of occurrences all over the park system and start a proactive process whereby you could have the park managers, who are in charge of the resources, give some input as to what's happening.

If I could just give another example, you know, the Secret Service works with the FAA on what form of flight restrictions are necessary over the White House so that they can fulfill their mission to protect the First Family. DOE does the same thing.

Mr. HANSEN. No, don't fly over the White House.

Ms. LOWEY. Right, but there are flight restrictions. DOE does the same thing over nuclear weapons facilities. Each Federal agency needs to work with the FAA, which controls the airspace, so that we can fulfill the mandates that we have.

Mr. HANSEN. Well, what you say is laudatory, and I have no arguments. Here is where my argument comes down. If I happen to be the XYZ air tour operator flying over the Grand Canyon, I would like to know what the park superintendent uses as his criteria to determine the language that you have put in here.

Where is that printed? I do not think it is fair. I am trying to be fair to both sides. I do not think it is fair to the park superintendent to put him into the position of playing God. He probably does not feel comfortable there, nor do I think it is comfortable for the guy who says, "Well, this park superintendent, he lets anybody fly."

I think you should write up, i.e., FAA/Park Service, and have this handed out to the people who are going to do this so they know something to operate on. I think it is too nebulous this way. If I am off the mark, you let me know, but if not, we are going to look forward to in this Committee seeing some regulations so that this gentleman sitting between you has got something to work on and he is not always the good guy or the bad guy. I do not think it is fair to him, very candidly, nor do I think it is fair to the operators who do the air tour.

Now, if you disagree with that, Mr. Chairman, you let me know.

Well, with all of that said, we appreciate this panel. Thank you, and we appreciate the superintendent—yes, Mr. Chairman.

Mr. DUNCAN. If I can say one more thing, Mr. Valentine, we have talked about complaints to the National Park Service. Has the FAA had a number of complaints about the flights over the Grand Canyon?

Mr. VALENTINE. We have received letters from people complaining about flights over the Grand Canyon, yes, sir.

Mr. DUNCAN. You have. Have there been very many or do you have any idea how many?

Mr. VALENTINE. Depending on how you define very many, they tend to be something you are very familiar with, all of you are in Congress, and that is they tend to be letters of a similar nature that come along at about the same time. So they are more often than not from appearance from, you know, people with a particular interest in the parks.

Mr. DUNCAN. Well, the reason I ask that, I just was shown a publication that the park put out last year, apparently trying to

stir up comments to the FAA, and it says in this publication, "Despite this, the natural quiet of the park has continued to erode," and it says later, "Even flight free zones are not necessarily noise free," and it says, "If nothing is done, only 10 percent of the park will evidence substantial restoration of natural quiet by the year 2010."

Apparently this publication was withdrawn after complaints because it is so biased in one direction, but at the end of all of that, it says, "Your comments are needed," and they ask people to comment to the FAA, and I just wonder how many.

Mr. VALENTINE. I do not have the number, but I could provide that number for you, sir, if you would like.

Mr. DUNCAN. All right.

Mr. VALENTINE. That is what I was alluding to earlier.

Mr. DUNCAN. All right. Thank you very much.

Mr. HANSEN. One last request for this panel. If we could, we would like to give you a series of questions to respond to in writing if you would not mind. We would appreciate it very much if we give those to you, and if we could get those back, it would be very, very helpful to us.

And we thank you so much for your time and appearing before this committee, and we hope you stay through the rest of it.

Panel No. 2, if we could ask you to come on up.

Jerry Atkin, President and CEO of Skywest Airline; Bonnie Lindgren, owner and operator of Redtail Aviation; Randy Walker, Director of McCarran International Airport; and Steve Bassett, President of USATA.

If those folks would come up, we would appreciate it.

Thank you.

We appreciate your being here. Mr. Atkin, we will start with you. We will try to limit you to 5 minutes. You can watch the light. It is just like a traffic light. Green, you go; yellow, you wrap up; and red, you stop, but if it is red and you are still talking, go ahead a little while, but do not go too far.

Mr. Atkin, with you and the other members of this panel, we are grateful that you can be with us, and we will turn the time to you, sir.

STATEMENT OF JERRY ATKIN, PRESIDENT/CEO, SKYWEST AIRLINE

Mr. ATKIN. Thank you, Mr. Chairman, Mr. Ensign, and Mr. Duncan.

I appreciate the opportunity to testify and that you are holding this hearing in my home town, St. George. Thank you.

I have completed a formal statement that I have submitted for the record and would like to make just some general summary comments.

Mr. HANSEN. Without objection, all of your statements will be included entirely.

Mr. ATKIN. Thank you.

I am Jerry Atkin. I am Chairman and President of Skywest, Inc. We operate Skywest Airlines and Scenic Airlines. Skywest is the eighth largest regional carrier in the United States, and Scenic Airlines is the largest air tour operator in the United States.

I have been President and Chairman of these companies and their predecessors for 22 years now, and these companies are based on the basis of quality to our customers, our 2,500 employees, our stockholders in the community in which we operate, and you will not find a more responsible and more quality operation than Skywest and Scenic.

I would like to give you a little overview of those two companies and make four points that should be considered in this process.

One, quiet aircraft technology. Scenic operates quiet aircraft technology in the Grand Canyon, has invested a significant amount in it, and it works, and it needs to be used as part of the solution to this issue.

The second point is natural quiet should be achieved from a visitor's perspective, not that of a squirrel or rock or an isolated monitoring device somewhere.

The third point would be that the FAA should continue to manage the airspace in the U.S. and not the Park Service. They certainly need to have their input, but we should not make any kind of a wholesale abdication of what the FAA's charge is in the United States.

And finally, we recommend a balanced approach of building on what has been achieved that basically has done a pretty darn good job so far of improving the visitors' experience of the Grand Canyon, while still allowing some meaningful air tours that are operated by responsible and environmentally sensitive operations like ours.

Skywest Airlines operates to 48 cities in 12 states and Canada, and we operate 700 departures daily, primarily out of Salt Lake City and Los Angeles, and are affiliated with Delta Airlines, United Airlines, and Continental. We operate 60 aircraft in scheduled service, 10 50-passenger jets, and 50 of the most modern, efficient, and comfortable turbo prop aircraft built today, and we employ 2,200 people in that operation.

Scenic airlines is the result of combining several companies together over the time, some of which routes go back to the 1920's in the Grand Canyon. We have over 300 employees, and we operate 18 19-passenger Vistaliners, which is the name we give to the modified twin Otter, which is an airplane that meets what has been discussed as quiet aircraft technology primarily by putting a four-blade propeller on it so the noise comes down.

We also operate another 15 aircraft over the Lake Powell area and Monument Valley and similar areas. We unquestionably operate the quietest aircraft in the Grand Canyon.

I think you are probably familiar. We operate primarily out of Las Vegas, and typically we pick up our passengers at a hotel in a motor coach, whisk them to the airport in the morning, take them on a scenic tour of the less visited part of the Grand Canyon en route to the Grand Canyon, land at the airport that is outside the park, and then in a large motor coach take those passengers through the park and give them a tour on ground, and then come back, put them back in the airplane, and return back to Las Vegas in the afternoon.

So as earlier stated, these are visitors that are a bit short on time, and generally out of the hotels. A lot of them are foreign visi-

tors. Some are not. So that they get over there in the morning, come back in the afternoon, and have an absolutely glorious day, and they are still back by four or five o'clock in the afternoon. A meaningful air tour on the way is a part of that.

We did carry 160,000 passengers over the Grand Canyon from Las Vegas last year, and that represents 36 percent of the visitors at the Grand Canyon. That is a substantial business operation of our own and in total.

I might add that this quiet aircraft technology that we have developed and have operated for almost 10 years now comes at about a 10-percent premium to the price of the airplane to make this propeller modification. That may be of use.

So I do not believe that it is a monumental task to do a conversion. At the same time, they are larger aircraft so that we can have fewer landings for the number of passengers, quieter output, and more passengers. So consider in the quiet aircraft technology that we could have on a per passenger basis a third of the impact if you want to consider it that way because of the larger aircraft and less noise, as opposed to a smaller aircraft that would have more intrusions for the same number of passengers and more noise.

So the quiet aircraft technology is here. It's not a pie in the sky. It's not an impossible thing, and it should be used as part of the solution.

One challenge, and I agree with what Barry Valentine has said about what the objectives were. When it came down to the final air routes, which admittedly did not get adopted yet, the incentive for the quiet aircraft technology simply was not there because there was not, in my opinion, a meaningful air tour route left over for the quiet aircraft technology.

I believe it was suggested that the time of day that you could operate would be an incentive, but if there is not a right good, viable, economic air tour that you can see well, which there was not one left, then that is the most important incentive that has to remain for the quiet aircraft technology.

The next point is the natural quiet should be achieved from a visitor's perspective, not a squirrel or rock or monitoring device. The monitoring devices are certainly a good way to do that, but there is a good share of the park that has so few visitors, and that also happens to be the part that coming from Clark County to Grand Canyon, that is the part of the park that we need to use and can show off an absolutely fabulous part of the park with virtually very, very low impact as far as sound output.

And I think through the SFAR 50–2 that you referred to earlier, I would suggest that we have, by and large, achieved a high degree of achievement in the visitor experience, and having been there to the Grand Canyon a lot of times, I am amazed at how quiet it is, and I am going to suggest that with the quiet technology and some air routes, from a visitor's perspective we can continue the kind of activity that we have had.

Now, at what point it should be limited, that is certainly a fair question, if there should be some limitations. Quite frankly, I am more concerned about the activity in and out of the airport itself than I am the in route tour portion.

To the next point, the FAA should continue to manage the air routes in the U.S., not the Park Service or others, and it sounds like there is pretty much a consensus that that should be the case, except to the degree of how the Park Service has input into that, and I do not believe that they should have the final say. They certainly should have input, but I am concerned about a wholesale turning over of the management of the airspace to what today might be a very well meaning park superintendent, which could choose a different set of criteria next time to measure it by.

I am also concerned as an airline operation that turning over the management of airspace above any land area to the land area owner, it frightens me. I would like to show you a picture of the United States that is rather small, but what you can see is the colored portion in the West, which is all of the Federal lands.

Now, this may be a little bit of an exaggeration, but every Federal land manager decided they wanted to have a major role in saying, "Stay away from my airspace," I do not know how the airlines, which is the best air transportation system in the world, could even begin to navigate in the western part of the United States if we started turning over the ability to collect fees and manage airspace over Federal lands or, I suppose, private lands for that matter.

My suggestion, in conclusion, is that there be a balanced approach. We are a responsible operator, and we believe that our quiet aircraft technology is part of the solution, and that a good share of the problem has been achieved already, and that that should be used in building upon the SFAR and the regulations that happened 10 years ago, and for heaven's sakes, at the end of the day we have to have a meaningful air route left for quiet aircraft technology or there is no reason even to continue in existence, and in fact, to not do that is the same as to legislate the entire air tour business out of the Grand Canyon, and it felt pretty much like that in the final rulemaking, and that has got to be moderated.

That concludes my remarks.

[The prepared statement of Mr. Atkin may be found at end of hearing.]

Mr. HANSEN. Thank you very much.

You know, at one time a Member of Congress from California put in a bill to prohibit aircraft flying over any national park at any elevation. That, in effect, just ends air service in America basically. We asked her about the space shuttle. She has not taken that into consideration.

Bonnie Lindgren.

STATEMENT OF BONNIE LINDGREN, OWNER/OPERATOR, REDTAIL AVIATION

Ms. LINDGREN. Good morning, Chairman Hansen and Chairman Duncan and members of the Committee.

This is my first opportunity to testify. I would like to tell you a little bit about Redtail Aviation. We are a small operator. We fly in Southeastern Utah. We have two kinds of air transportation services that we conduct. We fly passengers that are multi-deliver trips, fly them from civilization to back country airstrips and will pick them up at the end of their river trip and return them to civilization. That is a pretty big portion of our business.

A smaller and growing portion of our business is air transportation or air touring. We do flight over Canyonlands National Park, Monument Valley Navajo Tribal Park, Capital Reef National Park, Escalante/Grand Staircase, although we did not have very many folks this year—it is the first year—and the Grand Canyon national recreation area.

In all, we transport approximately 1,000 visitors for air tours and 10,000 passengers for air transportation services.

I am under contract with the Park Service to fulfill President Clinton's 1996 directive as the lead person for the education initiative, which is to create educational and other materials to describe the value of natural quiet to the park visitor, the need for cooperation from the aviation community, and the value of air touring in some national parks. And through my work at the Park Service I have certainly gained a better understanding of the policies under which Park Service must comply.

I have a fundamental disagreement with the premise that quiet is a resource that must be protected. I am not alone. The Park Service in their report to Congress said, "Visitor judgment of the importance of natural quiet varies probably as a function of the type of visitor and his or her activity, and hence, from the visitor perspective, natural quiet is not equally important in all locations or for all visitor activities, a position not necessarily shared by park managers."

Now, I think that visitor impact is very important, and I have quoted in my testimony several instances. In a Canyonlands National Park visitor survey, two people out of 399 visitor groups surveyed, two people made comments to ban military and scenic overflights. I am not sure if they saw one military aircraft and one scenic aircraft or why the two people made those comments, but two out of 399, that is a half of a percent impact.

Bryce Canyon National Park, which has a helicopter operator based right outside the park, 422 visitor groups surveyed, ten complaints regarding the helicopter activity, and there is a difference in what you will hear from, I think, Bryce Canyon. The Park Service at Bryce does not feel that their helicopters have a significant negative impact.

The Southeast—is that red line on me? Am I done already?

Mr. HANSEN. You can go ahead.

Ms. LINDGREN. Sorry.

Mr. HANSEN. It has been on the whole time.

Ms. LINDGREN. Oh, good.

In a report to Congress, Southeast Utah group of parks, which is Canyonlands, Arches and Natural Bridges, is listed in the NPS priority for preservation of natural quiet. I fly over Canyonlands National Park predominantly. We have to cross the northern border of Arches National Park in a transitional approach to landing at Canyonlands' field, which is the airport in Moab.

We do not conduct very many flights as a tour flight over Arches Natural Park. We have determined that it is not a beautiful park to see from the air, and we suggest people go see it by the ground.

Canyonlands National Park is a large park. It is three districts, and you have to go see it by the air if you are going to get a sense

of the vastness of it. A lot of visitors like Canyonlands flights better than Grand Canyon flights.

The McCain proposal, S. 268, causes me concern. My concern is, and I put in my testimony that it transfers control to the Park Service. I want to clarify that. It transfers to the Park Service the authority to tell us where we will fly, and I think that Park Service will be unfair in their determination of telling us where we will fly.

The ARAC process, or the preliminary recommendations from ARAC seem a little more fair to air tour operators, but I have concerns about that also because going into the process of creating an air tour management plan at each park, we will be talking, and it will be the air tour operator, the Park Service, the FAA, and the environmental community, and so far as I understand it, the FAA's only right is to discuss if there is a safety issue. So the boats are going to be rather unbalanced when we try to defend where we fly versus where we are told where we will not fly.

Furthermore, the ARAC process is addressing air transportation flights, but I want to be very specific about our operation. We have 4,500 guests from Hite marina, which is on the upper end of Lake Powell, across the longitude of Canyonlands National Park for a landing at Moab or Grand Junction, Colorado. That is a number of operations, probably 1,000 operations a year.

And how will the Park Service evaluate those air transportation, point-to-point flights as opposed to the air touring? Will they believe me when I tell them that is air transportation versus air touring because my aircraft are all the same? I do not have different insignias on the aircraft. That is where I am concerned about how my air transportation flights will be affected by the air tour management plans.

To address Congressman Ensign's comments about the economic impact of quiet aircraft technology, I have 10 aircraft, 47 passenger seats, an investment of around $600,000, and for me to convert that to the Caravan configuration, Caravan has also, I believe, been approved as quiet, it would be a five and a half million dollar investment.

My company is very small. The banks would never approve such a loan.

Furthermore and most important, most of our groups that we fly for, air tours—now we are getting away from air transportation back to air tours—they call in groups of two. Couples will call or friends will call, and they want to go flying. A large number of our flights are conducted for two people, and there is no quiet aircraft technology alternative that is for a small aircraft.

In conclusion, I am not opposed to additional requirements or regulations, but I think they need to be fair. They need to be balanced. They need to be reasonable, and they need to be tied directly to visitor impact. Visitors are not being impacted, and until they are, I think they should be.

And I would like to share with you two things. Fifty, point, five, 6 percent of all wilderness lands in the United States is under a National Park Service jurisdiction as of right now, and there is a National Park Service policy objective with regard to park overflights. "The NPS will set criteria for acceptable degrees of impact, identifying both maximum acceptable percentage and maximum ac-

ceptable number of visitors impacted for each type of site or activity. A maximum acceptable value of 20 to 30 percent will be identified."

Right now their report to Congress identifies a 3-percent negative impact to visitors by overflights.

Thank you.

[The prepared statement of Ms. Lindgren may be found at end of hearing.]

Mr. HANSEN. Thank you very much.

Mr. Walker.

STATEMENT OF RANDY WALKER, DIRECTOR, McCARRAN INTERNATIONAL AIRPORT

Mr. WALKER. Thank you, Chairman Hansen, Chairman Duncan, and Congressman Ensign, for this opportunity to testify——

Mr. HANSEN. Pull that mike closer to you, Mr. Walker.

Mr. WALKER. This one? OK. I will try that one.

[continuing] to testify on behalf of Clark County Department of Aviation.

My written testimony has been previously submitted, and following my oral testimony, we have a brief video which shows the airspace safety concerns that we have which were touched upon by Chairman Duncan in his questioning of the recently proposed free flight zones for the Grand Canyon.

As an airport operator, we run six airports, including three airports which generate about 80 percent of all the tours to the Grand Canyon. They are McCarran International, the ninth busiest airport in the United States; the North Las Vegas Airport, a reliever airport to which most of the Grand Canyon tour operators have recently relocated; and the recently acquired Henderson Executive Airport.

I have submitted as part of my written testimony a resolution which was adopted by the general membership business meeting of the Airport Council International Organization for North America, endorsing the points which I will make in my testimony today.

Southern Nevada bears the overwhelming majority of the adverse economic and social impacts which would have resulted from the previously proposed restriction of air tour operations in the vicinity of the Grand Canyon National Park. The University of Nevada at Las Vegas, UNLV, concluded that the total tourism related expenditure by Grand Canyon tourists amounts to $443.5 million annually.

And, Congressman Hansen, tourism would also be impacted in southern Utah.

The UNLV study shows that proposed flight restrictions for southern Nevada based tour operators would result in 106 foreign tourists each day who would not come to the United States. The UNLV study estimates this would result in an annual economic loss of $100 million to the southern Nevada-Southern Utah region.

While economics is an important factor, safe and efficient management of the airways is even a more important consideration. The legislative proposals which have been introduced to grant effective control over national park airspace to the Department of the Interior would vulcanize the airspace over the United States.

This precedent could lead to further application by FAA of airspace control to Indian tribes, the National Forest Service, and even state park land managers.

It is essential for primary airspace jurisdiction to remain in the hands of the Federal Aviation Administration. This authority should not be abdicated to Federal land managers at national parks. The role of the land managers should be to act in an advisory role to the FAA concerning the overflights issue.

There are several reasons why this should be the policy. Primary FAA jurisdiction protects system-wide air safety. Preserving FAA's primary jurisdiction promotes and preserves the efficiency of airspace use, and the FAA is the agency which can best protect all of the citizens' interests in the availability of air transportation.

The National Park Service is a single purpose agency which will be unable to strike the necessary balance in resolving park airspace conflicts. Its interests are focused exclusively on the parks themselves. The Park Service has shown that it has an institutional bias in favor of the ground based users of the parks. Congress should not allow such a single purpose agency to assume responsibility to balance interests of safety, quiet, and preserving viable air visitation opportunities.

The National Park Service does not have expertise in airspace management, noise issues, and aircraft technology in order to reasonably address the park overflight issue. We believe that their role should be only an advisory one to the FAA, which does have the necessary expertise in these issues.

The National Park Service Grand Canyon overflight command and control approach rulemaking provides an excellent example of the points I have just made. The National Park Service proposed to impose caps and curfews on all air tour flights regardless of where they originated from and irrespective of the route they fly or the technology they would use to do so.

The Park Service proposed significant new flight free zones over the park which will have an effect of concentrating air traffic, both inbound and outbound into a small corridor, thereby increasing the risk of midair collision. In fact, the National Transportation Safety Board publicly commented on the proposed routes associated with the new flight free zones. The NTSB concluded that to compress the air traffic in the Grand Canyon to a time restrained, compact corridor, devoid of the previous landmarks that were previously available for air navigation, created an unsafe situation.

I urge you to oppose legislative initiatives before Congress which would take away control of the airspace over the parks from the airspace management experts at FAA. The FAA must retain full authority over airspace above national parks and not abdicate its public safety responsibility to a single purpose agency, such as the National Park Service.

We feel that safety and operational efficiency must be the first priority in any new Federal law. We believe that the FAA with the Park Service in an advisory role can best manage the issue of national park overflights.

We support implementation of quiet aircraft operation and technology incentives to tour operators as a balanced, market based ap-

proach, an alternative which will accomplish the goals of substantially restoring natural quiet in the nation's parks.

Thank you.

Mr. HANSEN. Did you want to show this film at this time?

Mr. WALKER. Yes, please.

Mr. HANSEN. Can you put it so the folks in the audience can see it, too, or put it out their way? How do you want to do that?

Mr. WALKER. I think it will be difficult to have everybody be able to see it.

Mr. HANSEN. Well, we could walk down if that is all it is. Why don't we walk down so they can see it?

Mr. WALKER. On your left is the ground aircraft coming into the Grand Canyon National Park. They fly through the park and go land at the airport. At the same time, you can see how they leave the park. They fly back on the blue direct route, and those aircraft would be white so that you will be able to see the separation.

This is how the system works today. This is what we call the SFAR–2 rule.

This is the chief part of the tour. This is the mark on the far right here at Waco Point. These are how the aircraft are coming into the airport, and you can see the white aircraft coming back to southern Nevada in this direction here, blue direct here, blue direct south there.

Once again, the most panoramic vistas in this area of the park, and if you are fortunate enough to be on the left-hand side of the aircraft, you have a better view. On the right-hand side, you are kind of compromised in what you can see.

Now, this is what is going to happen. You can see the compression of the airspace where we have got the brown aircraft coming in and the white aircraft coming back. You can see that there is a head-to-head operation there. What we are hoping to be able to do is to have the people that have missed out because of the cap and curfew fly in on this transit route and then head back this way so at least they can have an air tour portion of the park.

Now, those of you who are aviators know that there are problems with altimeter settings because those aircraft that are going head to head, they have a 1,000 foot vertical separation, but the problem is that Las Vegas based tour operators have an altimeter setting that is based on the temperature and pressure and the operating conditions in Las Vegas, and the aircraft coming back from Tucson have a completely different altimeter setting, and en route you go through a considerable volume of airspace and you can have changes in that, and so that is the reason the National Transportation Safety Board came out so strongly against that compression of airspace.

And since this hearing wanted to focus on the issues associated with airspace and how it should be used, we thought that that information would be very important to the panel.

Thank you.

[The prepared statement of Mr. Walker may be found at end of hearing.]

Mr. HANSEN. Thank you.

Mr. Bassett.

STATEMENT OF STEVE BASSETT, PRESIDENT, UNITED STATES AIR TOUR ASSOCIATION

Mr. BASSETT. Thank you, Mr. Chairman, and thank you, Chairman Duncan, both for your leadership in calling this hearing today, and also thank you, Congressman Ensign, for your participation today.

It is a sensitive and a politically charged issue. It will require leadership and vision from the U.S. Congress perhaps to seek and find the balance that has been discussed today and to put together a piece of legislation that, indeed, is an alternative approach.

The United States Air Tour Association represents a little bit more than 60 air tour operators and associated companies in the continental United States and Alaska and Hawaii. Our members are just some of the air tour providers in the country who last year flew more than two million passengers.

Let me focus my remarks if I could today on just two or three points. First of all, it is not the feeling of either this association or the air tour industry that air tour overflights of national parks is a national crisis. Certainly there have been problems. The Grand Canyon was one example back in the mid-1980's. There are other isolated examples. Certainly, Congressman Duncan, there has been an example down in your district. There have been examples in your district, Congressman Hansen, but in general, it is not a national crisis.

As a matter of fact, the Grand Canyon, while so many people like to use the Grand Canyon as a bad example, an example to a large extent as a scare tactic, other national parks in the country will suddenly become like the Grand Canyon, but the fact is the Grand Canyon probably should be used as a pretty good example of how the issue was addressed in terms of how the air tour community, the environmental community, the government, federally and locally, and state governments came together and sat down and sorted through this problem and came up with a viable solution and one that I think factually and statistically makes sense and works.

Having said all of that, however, we certainly as an industry, as well as an association have been more than happy over the years to sit down and deal with this issue and see if, in fact, we could address many of the concerns that have been expressed by the environmental community and by the National Park Service on not just a local, but a national basis. We are willing to sit down and cooperate, and we believe that we have done that.

As a part of that cooperation, however, we have got to know the rules of the playing field, and one of the issues with respect to the rules of the playing field is the issue of natural quiet. The issue of natural quiet appears this morning to have a number of different if not definitions, interpretations, but from the air tour perspective, how in the world can we possibly define alternative or balanced approaches to this issue if the underpinning of natural quiet is not visitor experience, if we do not have something tangible such as visitor experience to link a judgment of natural quiet on.

And so while we are willing to sit down and work together, as are our members, we want to make sure that the playing field is level and that we understand the rules of the playing field.

There has been an alternative that has been proposed by Senator McCain, S. 268. We do not believe that is the answer to the question. It is an unbalanced piece of legislation. It is very pro National Park Service jurisdictionally over the Federal Aviation Administration, and in effect, it would turn over jurisdiction of management of the airspace to land managers. So much has been said about that already this morning.

Our position is the same as certainly everyone else's on this panel. We believe that jurisdiction absolutely positively should remain with the Federal Aviation Administration, although I have some concerns, and let me sort through that as we go down.

There is another alternative, however, that may be coming forward, and that is the work of the Aviation Rulemaking Advisory Council, a nine-member panel that was put together back in May, a 100-day mission to strike a balance, to try and see if there was an alternative approach to this issue, four aviation representatives, four environmental representatives, a Native American.

They have worked diligently over the summer. We are not a member of the ARAC. I am an alternate member, as is Frank Jensen who will be testifying before you later this morning. However, we have been very much involved in every one of the ARAC meetings since the meetings were opened to the public.

We believe that fundamentally, without throwing a blanket endorsement over the preliminary recommendations and agreements that have been reached by the ARAC group, we believe that at least in principle we support the direction that they go.

And the direction fundamentally goes FAA maintains airspace jurisdiction. The National Park Service, however, has the authority to determine impact on visitors as well as natural resources. Each park would have an air tour management plan developed for that park. That would be a collaborative, negotiated process among members of the public, among members of the aviation and environmental community. Full scoping processes, all environmental assessments would be a part of that.

Every air tour operator would be an FAR Part 135 certificate holder, and attached to those certificates would be operational specifications that would parallel the understandings that were formed within the context of the air tour management plan. We think this is a viable alternative and a good approach to Senate Bill S. 268.

However, there is a concern. The concern that we have is still the issue of FAA jurisdiction. It is nice on paper that the FAA maintains jurisdiction over the airspace, but once the National Park Service gets into the business of making a determination in blanket form in what areas of the national park are visitor sensitive or environmentally sensitive in other areas, we run the risk of basically the National Park Service saying this entire park is either off limits or the areas of the park over which could be flown by an air tour would be so limited that there would not be a viable air tour at that park or at some areas may very well put people out of business.

As a final point, a month and a half ago I had the opportunity to attend a 2-day focus session at Glacier National Park in Montana. That was put together by the superintendent of Glacier National Park for the purposes of dealing with the issue of air tours

over that park, a very limited number of air tours, but nonetheless what they sought to do was discuss the issue of air tours and come up with a way, not the ARAC way or not a Washington way, but their own way of dealing with air tours over that particular park and make that a part of their general management plan.

What concerns me is a comment by the park superintendent who said that the only important issue here is who controls air tours over national parks. "We believe that the National Park Service must have jurisdiction, and we also believe that we have the legal authority. Even if helicopters were absolutely quiet, it would not matter. This issue is about appropriateness and control, not about impact."

That is a frightening statement because, on one hand, if on paper FAA maintains its jurisdiction over the airspace, but de facto the National Park Service under the guise of control has the ability to absolutely determine what the areas of a park are that are sensitive and, therefore, what areas of a park over which an air tour flight will not be conducted, then in effect at many parks around the United States we simply could put the air tour operators out of business.

The issue of control as viewed in this particular statement by the superintendent of Glacier National Park is frightening when attached in context to the development of the recommendations from the ARAC group or Senate Bill S. 268.

[The prepared statement of Mr. Bassett may be found at end of hearing.]

Mr. HANSEN. Thank you.

Mr. Duncan.

Mr. DUNCAN. Thank you, Mr. Chairman.

Mr. Bassett, in your testimony you have an overview of the air tour industry, and it says air tour operators in the U.S., 275. Are most of those what we would classify as small businesses?

Mr. BASSSETT. Yes, most of them are businesses that are either small businesses, such as Bonnie Lindgren's in Green River and Moab, or to a large extent they may be larger businesses, but they do a wide variety of things within the context of their business and give some air tours.

In fact, surveys that we have done in the past indicate that some of those companies, as a part of their overall business, may only give tours 10, 15, 20 percent of the time.

Mr. DUNCAN. And the man that you quoted there, who did you say that was? The superintendent?

Mr. BASSETT. Park superintendent at Glacier National Park.

Mr. DUNCAN. And is that a man or woman?

Mr. BASSETT. Dave Mahollick, a man.

Mr. DUNCAN. Dave Mahon?

Mr. BASSETT. Mahollick.

Mr. DUNCAN. Mahollick, and he said that he did not care if the aircraft was completely quiet, that it was an issue of control rather than impact?

Mr. BASSETT. Absolutely, and on more than one occasion. We spent 2 days in this session, and while actually it was to some extent reasonably productive, that more than one time was the overarching context in which the meeting was put.

Mr. DUNCAN. Ms. Lindgren has in her written testimony a sentence that I do not think she read. She said, "Frankly, the extreme elements of the environmental community use the Grand Canyon as a scare tactic at other parks." Do you see that happening? Do you think that is happening?

Mr. BASSETT. Absolutely, Mr. Chairman. We believe that the difficulties that the Grand Canyon experienced many, many years ago have been blown significantly out of proportion from a national perspective, and we think that at parks throughout the United States that "it is going to be another Grand Canyon" is used on a regular basis.

Mr. DUNCAN. Well, frankly, Ms. Lindgren, much of the environmental community is losing its support around the country because they have become so extremist in so many ways all around the country. You say at one point, "It is important to stop comparing Grand Canyon air tour operations with other national park air tour operations."

Would you elaborate on that a little bit and explain what you mean?

Ms. LINDGREN. It is my opinion that the intent of the Park Service would be to have regulations similar to those at the Grand Canyon for all parks. The label that is being attached to it may be called the air tour management plan. My point in saying that is our park superintendent, our current park superintendent, specifically said to me, "I don't want flight over Canyonlands to be like those of the Grand Canyon," and that just is not going to happen. That is an unrealistic expectation.

It is not, however, unrealistic for he and I to agree to a specific route that will minimize our flight operations over areas where a hiker has spent 6 hours hiking, provided that the other location where a hiker goes hiking he knows that we are going to be there.

Mr. DUNCAN. You say that no other park is similar to the Grand Canyon.

Ms. LINDGREN. With respect to the number of flights.

Mr. DUNCAN. How big is the Grand Canyon National Park? Does anybody know on this panel?

Mr. BASSETT. It is 277 miles long.

Mr. DUNCAN. Two hundred seventy-seven miles long?

Mr. BASSETT. Yes.

Mr. DUNCAN. Is there any other national park that is anywhere close to it in size that you know of?

Ms. Lindgren, you have mentioned the cost, that you have an investment of $600,000. Frankly, the best friend that extremely big business has is extremely big government because when we start trying to regulate to death almost anything, it drives the small businesses out of existence first of all.

And what you are saying is you have an investment of $600,000 now, but if you have to go to this Caravan or a twin Otter aircraft mix, you would have to invest five and a half million; is that correct?

Ms. LINDGREN. That is what I said.

Mr. DUNCAN. And you said that no bank would make that kind of loan to you?

Ms. LINDGREN. I am certain that they would not, sir. Our gross receipts for a year are under a million.

Mr. DUNCAN. And so your only choice then would only be to go out of business or merge with somebody bigger?

Ms. LINDGREN. That is correct.

Mr. DUNCAN. Are most of these other air tour operators or many of these other air tour operators in your same situation, do you think?

Ms. LINDGREN. In Moab, which is our primary base of operations, there are three operators there. My company is the largest with 10 aircraft. There is one company that has two aircraft and one company that is a helicopter. Redtail Aviation is the largest single engine air tour operator that I am aware of for the small aircraft size configuration.

Scenic Airlines has their divisions out of Paige, that they still use some of the smaller aircraft, but I do not think our company can compare with other companies with regard to size of aircraft, and I do not know how it would impact other companies.

I know that we would be put out of business, and we are the predominant carrier in southeastern Utah.

Mr. DUNCAN. Mr. Walker, you say that 80 percent of the flights over the Grand Canyon originate from one of your airports. Is that what you said?

Mr. WALKER. That is correct.

Mr. DUNCAN. Do you think that we are nearing some sort of limit? I assume that you have flown over the Grand Canyon on some of these flights or on numerous occasions; is that correct?

Mr. WALKER. Not on numerous occasions.

Mr. DUNCAN. Based on what you have heard and talked to people about, is this becoming a big problem now do you think?

Mr. WALKER. No. I think it is a big problem with the National Park Service, but not from an airspace safety problem the way it has been. I think that the air tour operators and the Federal Aviation Administration struck a good balance years ago on how the——

Mr. DUNCAN. You are saying the way it has been now, but if they restrict airspace, then the point of your video was that you would have more planes coming in?

Mr. WALKER. It would be a significant problem with the proposal that they have, yes.

Mr. DUNCAN. A significant problem.

Mr. WALKER. In terms of air safety, and also in terms of having any viable routes that people would actually want to fly in for a view of the Grand Canyon.

Mr. DUNCAN. And so do you think that it would endanger lives?

Mr. WALKER. If you continue to provide those kind of opportunities to individuals and at the same level, I think it would. The only way you could get down to a safe level is to restrict the number of flights below what we are currently experiencing.

Mr. DUNCAN. All right. Thank you very much.

Mr. HANSEN. The gentleman from Nevada.

Mr. ENSIGN. Thank you, Mr. Chairman.

Just a couple of quick questions. Randy, you have recently taken over at McCarran, and from your perspective, the economic im-

pacts, when you are expanding your airport, when you are determining whether to expand airports, I would assume that you go through studies, cost-benefit analysis.

You heard the testimony earlier from the FAA and National Park Service. Let me have your comments on what you thought, first of all, of the answers that were given on, you know, whether or not the complete studies have been taken into account.

The rules limiting the flights, that was admitted up front that that would have a severe economic impact, and yet those economic impacts, they did not have the studies. They did not have the detailed analysis, the statistical analysis.

And maybe, Jerry, since you operate in that same corridor if you could also just comment on, first of all, what you think of the Park Service and the FAA not having a complete set of data, but also what you think the actual real economic impacts would be.

Mr. WALKER. Well, certainly the FAA does not allow us to get by with that kind of analysis when we are doing an environmental assessment or an environmental impact statement to expand our facilities that are under their purview. So it is kind of surprising that they would not have those kinds of cost-benefit analyses.

We have had on numerous occasions in almost every major expansion airport to have to submit either an EA or an EIS to the FAA for their review, and economic impact and economic analysis is certainly a part of those studies that we need to do.

But certainly the study that we have by UNLV that showed the economic impact to southern Nevada-southern Utah area not having these flights to the Grand Canyon, I think, is very significant. There are many people where that is the only way they can see the Grand Canyon, not only for tourists who come in for a short period of time, but when you think about individuals who are disabled or otherwise would not be able to experience that kind of view of the Grand Canyon. I think air tours are a very significant opportunity for lots of people to be able to see the Grand Canyon the way they would never otherwise be able to see it.

I have seen it both ways, and both ways are spectacular, but I think economically in southern Nevada it would be very difficult. We are trying to expand our international traffic to Las Vegas. One of the things that every international traveler has on their list when they come to the western United States is to see the Grand Canyon, and when they are coming to the United States for 2 weeks and there is so much to see, the opportunity to drive to the Grand Canyon and to experience it that way is probably so time consuming that they are not going to do that, and it will reduce, I think, the competitive nature or competitive edge that we have in being able to attract those people to this region, not only Las Vegas, but the Arizona and southern Utah region as well.

Mr. DUNCAN. Jerry?

Mr. ATKIN. Well, I think I would concur with a good share of what Randy has said. Part of the issue here is that the——

Mr. DUNCAN. Why don't you pull your microphone a little closer?

Mr. ATKIN. [continuing] there is a very sizable amount of traffic that is visiting the Grand Canyon. Five hundred thousand people visited the Grand Canyon this way last year with very, very low impact to the visitors on the ground at the Grand Canyon.

I guess I would like to make a point, too, that I think it is the lowest impact way to visit the Grand Canyon, and the reason I would suggest that is we come in, put people generally in a 50-passenger bus. So we have got one vehicle that is doing 50 people on the ground versus typically one or two people in a vehicle on the ground.

We are also paying twice. We pay once for an overflight fee, and we pay once again for our passengers to go as an entrance fee. So I believe that we provide a very low impact way, and if looking from a visitor impact, it has been said a number of times today that the visitor impact is very, very positive.

I mean even when people go out and try to gin up some complaint letters, we still do not have very many. So I would suggest that it works very well and that we are trying to make a fly into an elephant here.

I do think though that there is some concern about the future. I do not think we can have unlimited numbers of aircraft activity continue to go at the canyon. I just do not see how that can happen. I think we are already hitting, at least in my view, some sort of natural limits at the airport.

I think if there is a constraining piece of the entire chain, it is probably the airport. As the SPAR 50-2 has outlined, as we go to and from the canyon I think that is very well, and I am not concerned about the safety aspect of that part of the operation today, and as it relates to coming in and out of the Las Vegas area, I think that one is in good shape. The canyon airport itself is somewhat limiting, and again, the quiet aircraft technology that is available, which I think does lend itself in this particular market place, I think it is a little bit unfair that quiet aircraft technology has no incentive whatsoever when, in fact, we have a third of the impact per passenger that others do, and in this case, not in Bonnie's case, but at least in the Grand Canyon's case, I think that is an affordable conversion that should be considered.

And, in fact, we could produce less noise by doing quiet aircraft technology, which would mean fewer aircraft intrusions, less noise, and more passengers. So, in fact, the passenger part of this from an economic standpoint could grow without the number of aircraft activity growing, and I think that should be considered.

Mr. ENSIGN. As far as the rulemaking is concerned and the negotiating part going forward, are you comfortable? What kind of feedback have you been getting from the FAA and the Park Service?

You know, they both sat up here today, or at least the FAA talked about that there should be incentives.

Mr. ATKIN. Right.

Mr. ENSIGN. The administration said in both of their testimonies that that should be a large part of it. It should be the incentives to giving air tour operators that will go to the quiet technologies an advantage so that that would be their economic incentive.

I guess from your perspective, do you feel that this is going to happen? Are the statements they made today accurate?

Mr. ATKIN. I'm very suspicious of it, and the reason why is in their stated objectives, I would not say it any better or any differently than they did. However, when the notice of proposed rulemaking came out on where the routes were, from whatever process

they went through to get that, in my judgment, the one that they outlined for quite aircraft technology plain and simply was not a viable air route.

So the objective of having some meaningful incentive simply did not occur. Now, because there has been a lot of hell raised about it, it has not gone into effect yet, but it makes me nervous when we set objectives that sound pretty honorable, and then we see a notice of proposed rulemaking that simply does not leave a viable air tour route for the quiet aircraft technology. That means they did not meet that objective at all and apparently did not recognize that.

Now, that makes me very nervous.

Mr. ENSIGN. And just real briefly, you're an operator of a fairly decent size business now. If you had five million visitors or at least customers and you had 25 to 70 complaints a year, how would you feel about your business?

Mr. ATKIN. I would be delighted. We are very customer oriented, I think, and we track, and we get about the same number of compliments as we do complaints, but it is a higher ratio than that is, and I believe it is one of the lowest in the entire air transportation industry. I am amazed that we are excited about 50 complaints out of five million.

Mr. ENSIGN. Thank you, Mr. Chairman.

Mr. HANSEN. Mr. Atkin pointed out in his testimony that 36 percent of the visitors to the Grand Canyon were in aircraft. Is that 36 percent of what you have or where do you get that figure?

Mr. ATKIN. Yes, the figure that I meant to say is that we carry 160,000 passengers from Clark County to there last year, and that represented 36 percent of what I believe the total traffic was from Clark County to the Grand Canyon. In other words, 500,000 passengers, I believe, saw the Grand Canyon through that route, and we were 36 percent or 160,000.

Now, there are other people that see the Grand Canyon in what I think has been referred to as Arizona routes, but that would be the Las Vegas tours.

Mr. HANSEN. I would be curious to know how many people see the Grand Canyon by air compared to how many see it on the ground.

Pardon me. Pull that mike a little closer to you.

Ms. LINDGREN. I think it is a little under 20 percent.

Mr. ATKIN. I would validate that if there is five million in total, I know there is a half a million on the Las Vegas side. I am going to surmise there is close to another half a million that do it locally from the Grand Canyon side and come through other way other than Las Vegas, and a million out of five million is Bonnie's 20 percent. I think that is a very good estimation.

Mr. HANSEN. So we could have a lot of guesses here, but for the park superintendent and those people that operate the ground, the people who enjoy the Grand Canyon, a very high group of them see it by air and, I mean, they never put a foot on the thing, but they see it and enjoy it by air. So that is a significant situation and is just something you cannot rule out and say these people do not have any rights also.

But you have all alluded to the fact somewhere there is a moderate position. Bonnie Lindgren, now what kind of aircraft do you operate?

Ms. LINDGREN. We have single engine Cessnas, Cessna 182, 172, 206s and 207s.

Mr. HANSEN. So you have four and six-place aircraft.

Ms. LINDGREN. Yes.

Mr. HANSEN. And you were referring to a Cessna Caravan when you were talking about it?

Ms. LINDGREN. Right.

Mr. HANSEN. Are the $5 million?

Ms. LINDGREN. It is $1.1 million, and I would need five of them.

Mr. HANSEN. Oh, excuse me. I was going to say the prices have gone up substantially since I talked to Russ Meyers who makes the Cessna. I have been working with him on another issue.

You would need five of those to take care of what you are doing; is that right?

Ms. LINDGREN. To get the 50 seats that I have available now.

Mr. HANSEN. Mr. Atkin, you talked about the Vistaliner and what you have done to modify it so it would be good for air tours. Would you give us a little of the specifics on that?

Mr. ATKIN. There are a couple of things, and in my testimony I put in there that it was about a $650,000 modification. That was a total modification that includes bigger windows, recording systems that give audio and multiple languages, but the quiet aircraft, part of it is really the propeller alone, and that is probably $150,000 on an airplane that has a value a little in excess of $1 million. So the rest of it was something that we chose to do that we thought enhanced it, but certainly is not a necessary part of the quiet only.

I might also suggest that in part of our operation of Paige and Lake Powell, we have a fleet of airplanes very similar to what Bonnie has said, including a couple of Caravans. At the same time, Caravan is an extremely expensive airplane to operate, and I would not begin to suggest that the Caravan is a decent economic alternative to these four and six passenger airplanes.

I think we misinvested, frankly. It is too high of an investment and too many seats for the applications that I do not think necessarily apply terrifically to the Grand Canyon, but in like Canyonlands, Monument Valley and so on, I think we have to admit to have viable air tours, there has to be a little higher level of tolerance because I do not know that the technology is available or affordable in that size airplane.

Mr. HANSEN. Does your twin Otter, Vistaliner fit the criteria for quiet?

Mr. ATKIN. Yes, it does, clearly does.

Mr. HANSEN. The FAA and Park Service feel all right with the Vistaliner?

They are nodding their heads yes for the record, so I guess we can accept that.

Mr. ATKIN. Yes, and I think in the notice of proposed rulemaking it gave the Caravan and the Vistaliner as two that did meet their definition or maybe that was the definition. I am not sure.

Mr. HANSEN. Mr. Bassett, in your testimony, you talked about the fellow at Glacier, and I think that falls in with the working group that Jacqueline Lowey talked about where "the park superintendent shall be responsible for determining the nature and extent of impact."

So I would assume your statement is correct. I have no reason to doubt you on that, but that would mean if that park superintendent wanted to do it, he could cut out all overflights of aircraft; is that right?

Mr. BASSETT. Yes.

Mr. HANSEN. The way you interpret it, right?

Mr. BASSETT. Absolutely.

Mr. HANSEN. And you interpret his language to say that?

Mr. BASSETT. I interpret his language to say that he wants absolute control of the issue so that he can make the determination as to whether or not air tours are appropriate and where they will or will not fly.

Mr. HANSEN. So it all comes back to the idea of control, doesn't it, in this whole shooting match?

Mr. BASSETT. It does, sir.

Mr. HANSEN. Now, someone once said moderation in all things. It should be scriptural if it is not, but somewhere in there is what we are trying to arrive at because I think from what we have heard, both sides have a very legitimate argument in this.

Any further questions for this panel?

[No response.]

Mr. HANSEN. Apparently not. We thank you so much.

We will take a 10-minute break and meet back here at 25 after, and then we will go to our third panel.

[Recess.]

Mr. HANSEN. I am sure people will dribble back in if we start.

Our third panel is Philip H. Voorhees, Associated Director for Policy Development, National Parks and Conservation Association; Steven E. Snow, board member, Grand Canyon Trust; Phillip Bimstein, Mayor of Springdale, Utah; and Jeri Ledbetter, Southwest Field Office of the Sierra Club.

If those folks would come forward, we would appreciate it. Thank you so much for joining us today. We appreciate you taking the time to be here.

The same rules that you have heard for the first two panels would apply to you. If you have something that you have really got to say and you go over time, we want to hear it. We do not get this opportunity to come out on a regular basis. So if you can stay within your time, that would be fine, too.

We will start out with you, Mr. Voorhees, and the time is yours, sir.

STATEMENT OF PHILIP H. VOORHEES, ASSOCIATE DIRECTOR FOR POLICY DEVELOPMENT, NATIONAL PARKS AND CONSERVATION ASSOCIATION

Mr. VOORHEES. Thank you very much, Mr. Chairman.

Mr. HANSEN. It would help if all of you would get closer to the mike. One thing is we want it on the record, and that is the only way we can pick it up.

Mr. VOORHEES. My name is Phil Voorhees. I am Associate Director for Policy Development at National Parks and Conservation Association. I know I have been before this Committee a number of times.

Mr. HANSEN. Can you pick this up?

Excuse me. Go ahead.

Mr. VOORHEES. To us this is a very important and very dynamic issue that is facing the park system now. It has been an issue very much in the Grand Canyon for the past 20 years, but now we are really talking about the system, and my understanding was we were here to talk about the national park system.

So if you will allow me to talk on that basis, I am going to focus much more on the problems that present themselves outside the canyon and as it presents itself within the canyon.

National Parks and Conservation Association, for those who do not know, is a citizens group which represents or is comprised of about 500,000 citizens across the country. This is an issue of primary concern to our members, as well as to my board of trustees.

To the extent that natural quiet is a basic resource of the national parks, as such, it is one of the primary mandates of the National Park Service to deal with the issue of national quiet and preserve the issue of natural quite for this and future generations.

It is my hope that no matter how Congress approaches this problem that two basic principles will be addressed, and those principles are paramount.

The first is that the sounds of nature are among the intrinsic elements which combine to form the natural environment within national parks. As such, they are inherent components of the scenery and the natural and historic and wildlife therein, which form the core of the National Park Service's conservation mandate.

Second is that within units of the national park system, natural quiet, that is, the opportunity to experience natural sounds, shall be preserved unimpaired for the enjoyment of future generations.

These two principles embody the most fundamental purposes in the National Park Service Organic Act of 1916 and reflects the Act's enduring meaning for the world today.

NPCA has been involved because this is—again, let me reemphasize—this is to us a very basic resource issue. It is an issue which I think if we deal with it now will not be a very substantial concern in the future, and we can be assured that our children will be able to go to some of the last places in the country and experience natural quiet much as the settlers did as they came to this country years and years ago.

There are precious few places that one can go and be assured that you can find that kind of experience. There are plenty of places—well, excuse me. Let me back up.

The Park Service does a very good job of protecting the resources at the natural parks so that you can experience them on the ground and see the scenic vistas as the settlers saw them, but right now there are very, very, very few places in this country, and I dare say probably even on the planet, where you can go and experience the sounds of the environment, if you will, that were there even 20 years ago.

Progress in this regard, I think, is unfortunate because it makes the world a cacophony of noise. There should be some places where we can go as citizens, as visitors to the national parks and that you are going to have that natural quiet experience because there are not many left.

Let me talk a little bit about the scope of the problem. For the past five years, NPCA has been actively involved in trying to do a survey of what is the dynamic of the problem in the national park system. Again, this is not talking about the Grand Canyon. It is talking about the national park system.

Five years ago we initiated a survey of the superintendents to ask just that question. What is the dynamic of the problem? And we identified it was in the high 30's, I think about 35 parks in which commercial tour overflights were a significant concern to park managers.

We did this again in 1996, almost two years ago, and we found that that number was no longer in the high 30's. It is now about 55 parks, and those parks are represented in the last page of my testimony.

My fear is that unless Congress or the administration, whichever, deals with this problem in a comprehensive manner, the next time we turn around and look at this, and we will be looking at this in this coming summer, since it is on a 2-year cycle, the number might not be 55 parks. It might be 65 parks. It might be 70 parks. In 10 years it might be 90 parks.

Now, it is true that there are a lot of parks in the 375 units in the system in which this is probably never a risk because they do not provide a real opportunity for a tour operator to make a business on that basis. We are really talking about the number of parks that provide sufficiently sweeping scenic vista and also provide a significant ability to go and experience the concept of natural quiet that we are talking about.

If Congress fails, or the administration fails, to deal with this problem, I fear that individual communities will approach this problem in their own parochial manner, which to the individual communities might be fine, but I do not think that it is a progressive way of dealing with the issue at all, and I do not think that it solves either the concerns of the tour operators, that they have to have some level of business certainty as to how they can go about their business, or the concern of the park system that there is some level of regularity as to how you approach this problem.

And let me give you four examples of the kinds of concern that I think that this raises. Two years ago, I think it was, nearly the entire Colorado congressional delegation wrote to Secretary Peña in support of a ban over Rocky Mountain National Park.

In addition, just last spring, I think, or perhaps it was this summer, a resolution was passed by the Hawaiian legislature supporting the McCain approach to dealing with this issue. A local ordinance about five years ago was passed in Springdale to limit the ability of tour operators to startup there, and the same was true in Haywood County in Tennessee next to the Smokies.

Now, if neither the Congress nor the administration steps up to the plate and addresses this issue to structure the problem and give the Park Service the ability to do their job, then I think a

whole variety of individual communities will separate themselves out and do their own thing, if you will.

This is not a theoretical concern of what some say are extreme preservationists at all. These measures were passed and supported by real people not usually associated with park preservation at all, and I really do think that unless we approach this problem now, we are going to be experiencing this in a very different, dynamic way for a long time into the future.

Let me say that so far as Park Service management goes it is the province of the Park Service under the 1916 Organic Act to be the stewards of the land, and under the construct they have control and primary say over what should happen within those lands in furtherance of preservation of the resources.

To the extent that natural quiet has been identified as a resource, and I think it is a very, very valuable one, I think it needs to be with the province of the Park Service to have a say in exactly how that should go about.

I think the McCain bill, generally speaking, provides a reasonable structure for doing so. I do not take issue and National Parks and Conservation Association does not take issue with the Federal Aviation Administration being the primary or the exclusive policeman of the skies, if you will. I think that is entirely appropriate.

But the National Park Service needs to have a say in how that should be structured. They need to have a say in where are the resources most sensitive. Where are the places where you simply should not have overflights at all because of the level of sensitivity and the viability of natural quiet, and where, generally speaking, can you have overflights?

Now, with that in mind, the FAA then should step in and say, "Well, then how do we structure this concern? How do we monitor this for safety, and how do we create a system and operations specifications which will do just that?"

But in the end they have the final say, and I think that is entirely appropriate.

I have diverted substantially from my written comments. I am sure that you can review them on their own. Really what I wanted to do was bring the argument back around to the fact that from our perspective, we should be dealing with this on a system-wide basis. We should be setting up a structure which allows the Park Service to have a legitimate, reasonable, and important say in how you should go about structuring a system which protects the resource of the national parks and allow the FAA to do its work in insuring the safety and enforcing the recommendations of the Park Service.

With that I will conclude and be happy to answer any questions.

[The prepared statement of Mr. Voorhees may be found at end of hearing.]

Mr. HANSEN. Thank you very much.

Mr. Snow, the time is yours.

STATEMENT OF STEVEN E. SNOW, BOARD MEMBER, GRAND CANYON TRUST

Mr. SNOW. Thank you, Chairman Hansen. It is good to see you again. Chairman Duncan and Congressman Ensign, we welcome

you to southern Utah and are hoping you enjoy your stay here. I appreciate the opportunity of being able to address this Committee.

My name is Steven E. Snow. I am a native of St. George, born and raised here and have practiced law here in St. George for the past 20 years.

I am also a member of the board of directors of the Grand Canyon Trust, who has their main office in Flagstaff, Arizona, but has a local office as well here in St. George.

Our organization is dedicated to conservation of the natural and cultural resources of the Colorado Plateau. So in a sense it is a regional conservation organization. We have been involved in this issue of natural quiet in the parks for about a decade now with special emphasis on the two dozen parks on the Colorado Plateau.

As you are well aware, this area is a very scenic area with a number of national parks and national monuments, and we are concerned about this issue of natural quiet.

We welcome the opportunity to contribute to the discussion that is now underway about natural quiet and whether or not it can and will be preserved in a national park system. We hope that the visitor experience is not threatened as a result of the growing number of commercial air tours over our national parks.

Now, natural quiet, of course, means many different things to many different people, and clearly there is no one definition which suits everyone, but what is clear is that regardless of how the term is defined, there is little dispute among visitors to our national parks, who seek solitude and escape from an increasingly urbanized society, that natural quiet is one of the defining elements of the visit to the national park, and we believe that has been borne out as a result of surveys which have been conducted in the past.

Now, we do clearly acknowledge and understand that air tours can be a very enjoyable way to experience the scenic wonders of our national parks. Unfortunately, however, in the past 10 years it has become more difficult for visitors to many of our national parks to find the natural quiet they might be seeking because of the tremendous increase in the number of sightseeing overflights.

Much discussion today has been to S. 268. In July of this year, the trust did present testimony before the Senate Committee on Commerce, Science and Transportation in support of S. 268.

The purpose of that bill, as you are well aware, is to establish a framework for monitoring and controlling commercial air tours over national parks. S. 268 directs the National Park Service to recommend actions that will protect and restore natural quiet and requires the FAA, the agency responsible for regulating the air space, to enforce the recommendations of the Park Service. The FAA is only to change these recommendations if safety is an issue. We think that is a very important consideration.

The principle is crucially important. We believe that the Park Service is the one charged to protect the resources of our national treasures like Grand Canyon and the Great Smokies, Yellowstone, Rocky Mountain, Zion and Yosemite, and many, many others. S. 268 would extend the Park Service's authority to develop aircraft management plans for any park where the natural quiet resource is or may be impaired or threatened.

It also promotes the use of quieter aircraft, which we also support, and authorizes the use of caps, curfews, and flight free zones as a measure to protect or restore natural quiet.

The bill relies upon the agency with the great resource management expertise, namely, the Park Service, to evaluate resource protection needs and recommend resource protection standards and measures. Importantly, and I emphasize "importantly," it still relies upon the agency with the greatest aviation expertise, the FAA, to implement those measures safely.

Aircraft management plans developed by the Park Service could prevent the development of conflicts between natural quiet needs and aircraft overflights. For example, as part of the development of the management plan at Zion National Park, park managers in cooperation with tour operators have developed voluntary measures to minimize air tour impacts on the park.

However, these measures are just voluntary, and without legislation, such as S. 268, the Park Service does not have the authority to require compliance.

We think the situation in Bryce Canyon is plagued by fixed wing and helicopter overflights that impair both natural quiet and visual resource because they fly below the elevation of the park overlooks.

Other parks on the Colorado Plateau, such as Arches and Canyonlands, are also experiencing these overflight issues.

Grand Canyon, I think, has been referred to a great deal today. It is an example of what can happen. By the time Congress passed the Natural Parks Overflight Act in 1987, there were 40,000 air tour operations per year in the canyon, and natural quiet had already become a scarce resource, and the air industry was firmly entrenched and growing.

Ten years later we still have not restored natural quiet, and the number of air tour operations in the park has now more than doubled. We think the caps on flight operations is one reason why these past rules have failed.

We support S. 268. We think that it is a good direction to protect the natural quiet resource in our parks. We appreciate the opportunity to give our point of view at this hearing today and are grateful for the opportunity to be invited to testify, and that concludes my remarks.

[The prepared statement of Mr. Snow may be found at end of hearing.]

Mr. HANSEN. Thank you, Mr. Snow.

Mayor.

STATEMENT OF PHILLIP BIMSTEIN, MAYOR, SPRINGDALE, UTAH

Mr. BIMSTEIN. Thank you.

How is my mike?

Thank you, Chairman Hansen and Chairman Duncan and Congressman Ensign.

I am Phillip Bimstein, the Mayor of Springdale, which is adjacent to Zion National Park. Thank you for the opportunity to speak, and thank you for listening to the testimony of a gateway community which sits at the entrance to a national park, a commu-

nity in the direct line of flight of the airplanes and air tours you are considering here today.

Please hear our testimony as an example of the many other communities who are the most affected by these deliberations, for we are the people who must live with the impacts of these flights should you allow them. We appreciate the opportunity to let you and Congress know when an airplane flies over our homes what we see, hear, and feel.

Let me begin by telling you about an incident at our school two years ago. Della Higley, born in 1914 on land which is now Zion National Park, was speaking to our children in celebration of our state centennial. Wearing a pioneer dress and bonnet, Della was telling our children what it was like growing up here in a simpler time when things were quiet and peaceful, and then all of a sudden there was an earthshaking boom which rattled the walls of the school. It startled Della and frightened the children. They dove under their chairs afraid it was an earthquake, but it was only a sonic boom.

It took a while for Della to catch her breath and collect her thoughts before she could resume her story about the way it used to be.

Unfortunately this is not an unusual occurrence in Springdale. The booms and roars, the insistent drones and whines of airplane engines as they echo in our canyon are becoming louder and more common every day. Della Higley told me she has always been against airplanes flying overhead in the park.

Last week I went back to our school and asked the kids how they feel about the various aircraft flying over Springdale, big planes, small planes, helicopters, and commercial air tours. Here is what they said.

Chelsea, age 11: "When I go on hikes, I do it to get away from noises, and when a plane goes over it ruins my whole day."

Sara, fourth grade: "When I climb the mountains, I like the sound of the wildlife, but when a plane flies over, it breaks the silence, and I think no planes should fly over Zion because I want Springdale and Zion to stay the way it is."

James in fourth grade: "When planes fly over, they make small towns into big cities."

Jerry, age ten: "I like it when it's quiet. I like it when it's peaceful. Airplanes should be outlawed in Zion and Springdale."

And finally, listen to the words of Becky, a fifth grade. "If there's a tour helicopter and you're in it, you're thinking how great it is, but you should think about what if you were down there and you were looking at an animal. When a tour plane comes over, it scares away the animal. Think about what you are doing to other people when you go on a tour plane. It could ruin someone's whole day. It is peaceful when there are no planes. I hope we can stop the planes."

Our children speak unequivocally and with great insight, and with your permission, I would like to submit their comments and drawings as a part of the record.

On this issue, our community speaks with one voice. We are united in our opposition to overflights above Zion National Park and our feelings are strong. Our zoning ordinances prohibit landing

strips, airports, and heliports. We have joined with our neighboring communities who oppose them anywhere in the vicinity.

Our town has twice asked the FAA to ban park overflights.

I am also speaking today for the Zion Canyon Chamber of Commerce, who unanimously passed a resolution opposing overflights because their customers, the annual two and a half million visitors to Zion National Park, are deeply offended by them. Overflights may drive their business away.

We work hard to provide our visitors with a good meal, a warm bed, and a quiet time they need to relax and enjoy their experience in Zion. Don't take that quiet away from us and from them. It is an integral part of the high quality experience our visitors deserve and expect.

The noise and sight of airplanes cheapens their visit and damages our economy, which supports our local families. It also degrades our own quality of life.

And I would like to add I have heard comments about 25 or 70 complaints from the visitors to Grand Canyon. We received 25 complaints from the Springdale citizens alone each year, but they do not take the time to write letters or fill out forms, and I think that we need to recognize that there are many larger numbers of people who would like to complain about these overflights, but they just do not know the process to do so.

It has been argued that air tours are environmentally sensitive, but they are undoubtedly the most insensitive way to see the national parks because they assault the senses of everybody else who is not on the planes, the hundreds and thousands who must see and hear them.

As our school children wisely said, just one plane ruins everybody else's day. It intrudes. It breaks the silence like a bull in a china shop, and all of us on the ground, especially we who live under its path, we have no choice. Our ears are held hostage by the racket of its engine, our day in the park shattered by the noise like a fly by shooting.

So I ask you: keep your ears to the ground, to what the people are saying, and when you make your decisions, know that our ears are tuned wide open. We will be listening, and the seven million annual on the ground visitors to national parks will be listening, and we will hear you loud and clear.

Thank you.

[The prepared statement of Mr. Bimstein may be found at end of hearing.]

Mr. HANSEN. Thank you, Mayor.

Jeri Ledbetter from Sierra Club.

STATEMENT OF JERI LEDBETTER, SOUTHWEST FIELD OFFICE, SIERRA CLUB

Ms. LEDBETTER. Thank you.

As a river guide, as well as a——

Mr. HANSEN. Just pull it close to you, please.

Ms. LEDBETTER. I will.

Mr. HANSEN. Thank you.

Ms. LEDBETTER. A river guide, as well as an aircraft owner and a pilot, I have been actively involved with the issue of aircraft noise

over national parks for nearly 10 years. As a past President of Grand Canyon River Guides, I focused on our worse example, Grand Canyon National Park. I have never been compensated for this work.

I provide testimony because I am profoundly concerned about a cherished resource, natural quiet, whose steady deterioration I have witnessed over the years.

Over the last 3 months, I have spent 55 days in Grand Canyon. I would not be here if there were not a problem. I have flown over the canyon, as well. Although there is room for many types of visitation, we must strike a better balance, and we must see to it that what has happened in Grand Canyon is not allowed to occur in other national parks. There should be places in the world where one may go to escape the ever increasing clamor of technology.

When I was a child, I visited Grand Canyon, and it was such a place, a quiet and serene sanctuary, and it is no more.

With the Overflights Act, Congress sent a clear and visionary message. The Grand Canyon is a unique treasure worthy of protection, and that natural quiet is a resource to be valued. Yet with no limit to the number of flights and a lot of foot dragging by the FAA, the problem remains far from solved. In fact, the noise has reached an unacceptable level.

No one form of visitation should be allowed to become so pervasive that it impacts all others, as is the case with air tours in Grand Canyon. Granted more than 800,000 people visit the canyon by air each year compared to a relatively few on the back country trails or on the river, but there is a reason there is so few, and it is not lack of demand. The National Park Service strictly limits the number of visitors by foot, mule, or boat in spite of demand and in spite of the profits that could be made. The goal is protection of both the resource and the visitor experience.

Permits for most back country trails must be obtained months in advance, commercial river trips a year or more. Rafters may wait 10 years to obtain a private permit in Grand Canyon on the Colorado.

Such restrictions are necessary and consistent with the National Park Service's mandate to protect the resource, and they have become increasingly necessary at other national parks. Calling for limits, why should air tourists be the sole exception? Calling for limits on the number of air tours is not elitist, nor is it unreasonable. Such action is consistent with the goals of the National Park Service, as well as the Overflights Act.

The FAA, however, has not received this message. They cast aside most of the National Park Service's recommendation not on the basis of safety, but purely to protect the economic interests of the air tour industry. The rule now delayed yet again still falls far short of the goal.

In 1986 and in every step of the way, the air tour industry claimed that the imposition of flight rules would drive them out of business. To the contrary, their business flourished compounding the noise problem and necessitating a revision of the flight rules.

For those who argue that an air tour has no lasting impact, I ask at what point they are willing to cease operations. Ten years, 20

years? If they never plan to stop, then how can they say that their impact is not as permanent as a footprint?

There have actually been quite a few complaints about aircraft noise in Grand Canyon. They just have not been addressed to the Park Service. The FAA controls the air space and has received many complaints about aircraft noise during this long and frustrating rulemaking process.

Some claim that air tours are the only way the disabled and elderly can see Grand Canyon, yet no part of this rule would preclude anyone from taking an air tour.

I would also like to offer another view of that. I was privileged to carry a disabled man through Grand Canyon in my wooden boat on a 16-day trip through Grand Canyon. When the issue of access came up, he said he was tired of being told what he cannot do.

To their credit, many have tested their limits and discovered just how much they can accomplish. We see the elderly and the disabled on the river in greater numbers every year, and I find that inspirational.

Change comes hard, but in our national parks different rules apply than those to which the air tour industry and the FAA are accustomed. Economic interests must take a back seat to resource protection. Operating within our national parks, for profit is a privilege, not a right.

These are difficult concepts for some, as evidenced by some tour operators' outright refusal to pay airspace fees mandated by Congress. Some significantly under reported the number of operations, which caused glaring inaccuracies in the computer model and wasted a huge amount of time.

This shows a contempt for Congress, for the NPS, and for the Grand Canyon over which they fly for profit. Yet the FAA accepts this with a shrug, proposing to increase the number of aircraft allowed to fly over Grand Canyon by almost double. It is not a cap if the number doubles.

We must develop a national policy to protect our national parks and wilderness areas from the intrusion of aircraft noise. The NPS, not the FAA, should determine whether or not air tours are appropriate in individual park units, such as Rocky Mountain.

If we learn nothing more from Grand Canyon, we should realize that there is no better time to ban air tours than before they begin. Once they begin they are very difficult to control.

Therefore, this national policy should impose an immediate moratorium on any new air tour operations throughout the national park system. There should be no air tour operations over wilderness areas.

The national policy should direct the FAA to focus purely on safety, leaving resource decisions to the National Park Service.

I spend weeks at a time rowing boats through the Grand Canyon. Ninety percent of the river corridor is flat water. Also 90 percent of the river corridor is unprotected by flight free zones. I hear a lot of aircraft coming out of Tucson, but I must say that I hear a lot more, I think, coming out of Las Vegas, to answer your previous question, just because those corridors are right over the river for long periods of time.

And also somebody asked a question about helicopters versus aircraft. I think that was you, and I would answer that question that helicopters are a lot more obnoxious. People notice them more, and a helicopter going over makes them—gets their attention a lot more.

We spend very little time in rapids. Most of the time we flow through quiet stretches of river or explore narrow, secluded side canyons. In those areas, the ambient natural sounds are astonishingly low. The sounds of the river and the canyon are an important part of that experience.

We quietly listen to the call of the canyon wren, the trickle of a small stream, a light breeze through a cottonwood, the murmur of the river, or the frustrated shriek of a falcon who just missed his lunch. These experiences are violated and Grand Canyon cheapened by the increasing onslaught of mechanized sound from the air.

Thank you.

[The prepared statement of Ms. Ledbetter may be found at end of hearing.]

Mr. HANSEN. Thank you very much.

The gentleman from Tennessee, Mr. Duncan.

Mr. DUNCAN. Mr. Snow, would most of your group agree with Mayor Bimstein that the air tours should just be banned entirely?

Mr. SNOW. No, we do not propose that they be banned entirely. We do believe that they have a huge impact on gateway communities, as well as the national parks themselves. We just think the regulations that are in place need to be enforced, and that they need to go further than they do at this time.

Mr. DUNCAN. Do you think that they should be basically stopped at the level they are now?

Mr. SNOW. I do not know that I can comment for our group in particular on that point, but we just think more regulation needs to be done. There needs to be caps put in place. Ten years ago they talked about caps. The flights, at least in the case of Grand Canyon, have now more than doubled, from 40,000 to 90,000. We think if we do not seriously look at caps we are going to be doubling it again in the next five to 10 years.

Mr. DUNCAN. I assume that your group wants as many people to see the Grand Canyon as possible, and yet, you know, obviously this is a popular way to see the Grand Canyon, and I would assume that it is not just the elderly and disabled, but many, many people who just have a short amount of time.

Mr. SNOW. Certainly.

Mr. DUNCAN. And yet they say almost 20 percent of the five million. So it is getting close to a million people are seeing the Grand Canyon in this way. You want those people to see the Grand Canyon, right?

Mr. SNOW. Well, certainly it is a wonderful place to visit. We think, however, as with all visits in the park, especially in a park like Grand Canyon where there is such an impact, Grand Canyon, Yosemite, there has to be management of the visitors in some way or you erode the experience for everyone who comes.

Mr. DUNCAN. Then I assume that you disagree with Mr. Atkin from Skywest who testified that he feels the air tours are the lowest impact way of seeing the Grand Canyon. In other words, he

feels air passengers do less damage than any other tourist in the park.

Mr. SNOW. Well, Jerry and I are very good friends.

Mr. DUNCAN. Cause less strain on the resource.

Mr. SNOW. But I would disagree that it is a low impact visit. It is not a low impact experience. There is impact.

Now, I do applaud Scenic Airlines, in particular, for their use of the quiet aircraft technology. That has gone a long way in helping with the problem, and I hope that there can—and I agree with Jerry in the fact that there needs to be incentives given to those who are moving to the quiet technology. They should be rewarded because it is lowering the impact, but it still is an impact. It is clearly an impact on other visitors to the park.

Mr. DUNCAN. Mayor Bimstein, even if in future years technology advances to such an extent that these aircraft fly very, very quietly, would you still object at that point?

Mr. BIMSTEIN. Well, if they were so quiet that you could not hear them, then of course that would remove our objection to the sound, but there is still the visual impact.

Mr. DUNCAN. That is what I am wondering. You would still object even with the visual?

Mr. BIMSTEIN. Well, I, of course, would not want to deprive these people that you are mentioning of a chance to see the park, but I do question how much of the park experience they can truly have, people who have this so-called limited time.

You do not really experience national parks unless you give them some time, unless you get down on the ground in the park and spend some time there, and I think that just to fly over and see it in an hour or two is not much better than seeing it in a Cinamax movie or something like that, which is fine. There is nothing wrong with that, but I think that to truly experience the park, you need to be on the ground.

Mr. DUNCAN. Ms. Ledbetter, I think I understood you to say that you feel the FAA's primary emphasis should be on safety. Yet the National Transportation Safety Board, you know, a year ago said if they restrict airspace further for these flights, that it is going to create a very dangerous situation, and that was backed up by the gentleman who heads up the Las Vegas airport and the video that he showed.

Ms. LEDBETTER. Well, in that I would agree with the air tour industry and the FAA that there are too many flights.

Mr. DUNCAN. Well, but if you want to restrict the flights, if you want to stop flights over the wilderness areas, I assume that you are wanting to restrict those flights further to that smaller air space that they have been talking about, and that would create a much more dangerous situation according to the aviation experts that we have heard from.

Ms. LEDBETTER. There should be no new operations over wilderness areas, and we should absolutely limit the number of operations over wilderness areas, not necessarily—I mean if there are too many flights, then you limit the number of flights. If there are so many flights that it is dangerous, then we should set a limit.

Mr. DUNCAN. If you had the chance, would you ban all of the flights like Mayor Bimstein?

Ms. LEDBETTER. Over certain national parks, I think it is very appropriate.

Mr. DUNCAN. Over the 277 miles of the Grand Canyon?

Ms. LEDBETTER. I think at this point that that would be unrealistic.

Mr. DUNCAN. All right. Thank you very much.

Mr. HANSEN. The gentleman from Nevada, Mr. Ensign.

Mr. ENSIGN. Thank you, Mr. Chairman.

One of the things that I found interesting about some of your testimonies, Mayor, you talked about the impact on, you know, your Chamber of Commences, and, Jerry, you talked about the impact on your business and the people, you know, floating down the river.

In a lot of this, as a matter of fact, we talked about a lot of this on even limiting the number of people. You talked about going into the back country. The Park Service does that. You really are trying to balance interests in a lot of this. It is how do we preserve, you know, the most wonderful experience that we can at these national parks for the most people, and protecting these places for future generations certainly has to be an overriding goal I think that all of us share.

But it is where the rubber meets the road, so to speak, is when we determine whose balance are we looking at.

This term "natural quiet" that has been talked a lot about, you know, today, and as a matter of fact, Mr. Snow, in your testimony you said there is no one definition that is going to satisfy everybody or hardly anybody really because what is natural?

Your trips down the Colorado River with people in them, you know, that's an intrusion of mankind. So that is not natural. Just their conversations, just their, you know, gleeful enjoying, talking, and things like that, for somebody sitting on the side of the river when your rafts come floating by, you are disturbing their visual. You talked about the visual of the aircraft flying over. Well, those rafts are intruding on somebody's natural experience because those rafts are manmade, just like an aircraft is manmade, even if it is completely silent.

So now somebody floating down in a raft is disturbing somebody else's natural experience because that is not natural. That is manmade.

And so the point that I am making is that you are talking about relative terms here. You are talking about somebody's definition of "natural." You are talking about somebody's definition of what is, you know, a wonderful experience at these parks because for some people certainly the rafts are going to disturb their experience. For some people maybe a trail of pack horses or mules is going to disturb their, quote, natural experience. To other people that may be acceptable because that is what happened 200 years ago.

You talked about these children having their whole day ruined because they saw an airplane. You know, my son's day is made when he sees a train because he loves trains. Now, that is what I am saying. It is based on your own definition, and that is intolerant, and while I agree and I think it is very, very important that we protect as much as we can the sereneness—listen. I grew up in Lake Tahoe. There is no place more beautiful in the world to me than Lake Tahoe, and I loved going up in the mountains and sit-

ting on rocks and just like you said, hearing the rustling of the pines just blowing through, and that was the only sound that I could hear, and I just absolutely love those experiences.

Our national park systems are not like that anymore. As a matter of fact, probably the last place you would want to go if you want to have serene quiet is our natural park system because of the number of visitors.

But we are talking about balance here. We are talking about the balance between people who want to see it and maybe their value of seeing a national park system.

You said you have to go there and spend time on the ground. Well, that is your definition. Maybe to them they really experience that national park in that airplane, and that may be something that is wonderful to them and something they never thought they would get to experience. To me that would not be acceptable as the only way that I could experience it, but that is me and that is you, but to somebody else, they may just think it's a wonderful experience.

I happen to love river rafting. I think it is one of the most enjoyable things that there is, and I do not want them to ban river rafts, but I also know that in the Colorado River one of the most disturbing things is when people get dropped down for river rafting on airplanes.

Ms. LEDBETTER. I must agree.

Mr. ENSIGN. They come right down in it though.

Ms. LEDBETTER. Yes, they do.

Mr. ENSIGN. OK. Well, that is certainly disturbing natural quiet, and that is disturbing somebody's experience possibly.

Ms. LEDBETTER. I have argued against those.

Mr. ENSIGN. But what I am saying is if we want to get to truly natural quiet, we would ban mankind from the national parks, and then no one would be able to enjoy them. That is one extreme.

The other extreme is to let everybody in, to let as many air tour operators go, to let as many rafters go, and all of that, and that certainly would ruin our national parks.

Ms. LEDBETTER. Could I point out if you are talking about balance though, these air tours are vigorously marketed. The number of people who can go down the river every year is strictly limited. The number of air tour operations have been vigorously marketed over the years. That is not this huge demand. When you market that vigorously, you increase the number of people who sign up, but it does not necessarily mean that that many people passionately want to see Grand Canyon by air.

Mr. ENSIGN. Well, and I think you were hearing at least the Scenic Airlines people talk about that maybe we are getting to where that has to be part of the mixture.

All I am saying is because the National Park Service even talked about this when they were up here, that these are what we are going to propose now, you know, some of these things now to limit.

I guess my question maybe to each one of you on the panel: what is acceptable? How many flights are acceptable? Let's just use the Grand Canyon. I know we are supposed to be talking about this generically, but how many flights are acceptable over the Grand Canyon?

In other words, we are going to sit down and we are going to compromise because the only way you are going to do this is through compromise. What is acceptable to maybe the different groups that are here? How many flights a day?

Ms. LEDBETTER. The number of flights in 1987 was deemed inappropriate. That is why the Overflights Act was passed in the first place.

Mr. ENSIGN. By whom deemed them inappropriate?

Ms. LEDBETTER. By Congress.

Mr. ENSIGN. OK. So is Congress——

Ms. LEDBETTER. That is why they passed the Overflights Act, was because the amount of noise was deemed inappropriate.

Mr. ENSIGN. And so I am asking you though: how many flights a day or how many flights per year?

Ms. LEDBETTER. I would say if you want to look at the number——

Mr. ENSIGN. In other words, what they proposed, is that acceptable or do we need to go farther than that?

Ms. LEDBETTER. I would say pre-1987 levels because that number was already too many.

Mr. ENSIGN. Pre-1987.

Ms. LEDBETTER. Yes.

Mr. ENSIGN. So 1986 is OK.

Ms. LEDBETTER. Not necessarily, but I think that that is a good place to start.

Mr. ENSIGN. What I am saying is: has the Sierra Club sat down and said, "This is what we think would be acceptable"? In other words, if we get to one point, are we there or have we got to go farther?

Ms. LEDBETTER. I do not think that you can say that a certain number of flights a day is acceptable or unacceptable. You know, we have been involved in this process for a long period of time. What we have now is definitely unacceptable.

Mr. ENSIGN. To you, not to some other people.

Ms. LEDBETTER. Well, you asked the question.

Mr. ENSIGN. Anybody else care to take a stab at that? I mean what is acceptable?

Mr. VOORHEES. The law says that 50 percent of the park should be quiet 75 percent of the day. I think that it would be inappropriate for me to say——

Mr. ENSIGN. You said the law says.

Mr. VOORHEES. Yes, the 1987 Overflights Act or—excuse me—it is the agency's interpretation of the law of what exactly constitutes natural quiet.

I think that it would be inappropriate for me to say, you know, how many specifically flights does that allow for. This is certainly a dynamic question.

Mr. ENSIGN. OK. Let's take it from a different perspective. How would you determine when we have reached a level? Would you do it by surveys? Would you do it by visitor complaints? Would you do it? In other words, at what level and who would determine that? At what level and who would determine when we have reached where the park is now acceptable?

Mr. SNOW. I would turn it over, Congressman, to the experts that the government has hired to manage the resource, and that is the National Park Service. The one anomaly in their management is that they do not have jurisdiction over the skies because it is given to our national policing agency for the skies. We believe, however, that the FAA does not balance all of the management issues that need to be balanced when it comes to national parks. The National Park Service should have greater input in that process.

Mr. ENSIGN. And what if you had a Director of the Grand Canyon National Park that maybe did not see it your way, that maybe thought, gee, I think we can increase the number of flights? That seems to me an acceptable level here.

Mr. SNOW. Well, there would at least be a process, an input from the Park Service that would be required to be listened to by the FAA, and I know there is a voluntary and, as they have represented here today, there is a cooperation. We just think there needs to be a little bit more teeth to——

Mr. ENSIGN. What I am saying is: what criteria should the Park Service use to determine whether or not they are getting to the policy they want to get it?

Mr. SNOW. I do not know what their exact policy and what analysis——

Mr. ENSIGN. No, I am asking any of you if you think or if you have any suggestions for the Park Service because they did not have any criteria. I asked them today. They do not have criteria.

In other words, if we want to get to a certain point, how do we know when we are there?

Mr. SNOW. But they already manage many aspects. They have had experience in managing the river. There is a restriction on the number of river runners that are allowed to go on commercial tours through the river each year. There are restrictions on back country impact.

They already have experience in managing them, and I think their voice ought to be listened to a little bit more in the final decision.

Mr. ENSIGN. I was asking for your all's voices. You all are very involved in this process, and I do not think that you would just trust the National Park Service to make the decisions without your input. I was just asking for your input on what you would advise the National Park Service to do as far as the criteria that they should set and how do they measure it.

Ms. LEDBETTER. OK. I will try.

Mr. ENSIGN. OK.

Ms. LEDBETTER. There should be some places where you can spend absolutely all day and not hear mechanized sound.

Mr. ENSIGN. OK. How much? How much?

Ms. LEDBETTER. All day, I mean days on end.

Mr. ENSIGN. No, no, how much of the park? How much of the park?

Ms. LEDBETTER. Wherever you are.

Mr. ENSIGN. Wherever what?

Ms. LEDBETTER. I mean there have——

Mr. ENSIGN. No, no, no. I mean what percentage of the park should be?

Ms. LEDBETTER. It depends on how much you cover in a day. There should be places, extensive places where you can go and not hear mechanized noise. It is really, really important. It is the heart and soul of a wilderness experience.

And so a flight or two a day is not acceptable for that experience, not even one.

Mr. ENSIGN. But it is acceptable to have rafts and people and all that and horses, pack horses and things. That is acceptable.

Is that—thank you, Mr. Chairman.

Ms. LEDBETTER. That was not the question.

Mr. HANSEN. Mr. Duncan is going to run out of time, and I hate to have him not hear this last panel. That may be the case, however.

Let me ask just two quick ones and a very quick response.

Mr. Voorhees, in 1994, the NPCA called for total elimination of aircraft in parks. Is that still the stand of the NPCA?

Mr. VOORHEES. No, sir, it is not. I would like to say that——

Mr. HANSEN. Bring that mike a little closer please.

Mr. VOORHEES. This question was asked at the hearing on the Senate side, and I am proud to say that we are an organization which is capable of maturing its opinions. I do not think that it is reasonable to say that you can or should ban all flights throughout the national park system, period. I think you have to have a process for making that decision, where, when, and how. I think there needs to be input into that decision, and certainly in areas like the Grand Canyon the answer is no. There is an industry that has been there since the mid-1920's, and it is not reasonable to say that you are just going to come in and wipe that out.

There are, however, a lot of parks which have no industry which has expressed itself, and I think it is perfectly appropriate to take a more proactive initiative to see that you do not develop the same kind of dynamic problem.

Mr. HANSEN. I appreciate your answer.

Let me ask just one to the mayor here, if I may, please.

Mr. BIMSTEIN. Sure.

Mr. HANSEN. I would like to submit to all of you some questions if that would be all right. We would appreciate that. As usual, we run out of time, an we start losing members. So we will hurry along here.

Mayor, in the past when we did the 1987 bill, I helped write part of that, and we were all talking about the elevation above the highest point was the criteria we developed.

Also we did a decibel check on a lot of things, actually put people there and did a decibel check, and we did that in other parks. I have been on this Park Committee for 17 years now, chaired it the last two terms, and have you ever done a decibel check on a motorcycle going down Main Street of Springdale?

Mr. BIMSTEIN. No, but I know that they are very loud and probably louder than many of the planes that fly by.

Mr. HANSEN. Probably. We found that they were almost three times as loud as a Cessna 185 or 172, 182.

What about a truck? Have you ever done one on a truck?

Mr. BIMSTEIN. I have not, but I agree with you that they are——

Mr. HANSEN. A car, you have never checked those out?

Mr. BIMSTEIN. No, I have not checked those out, but I agree with you that they are very loud and obnoxious, and it does not change our objection to the sound of the airplanes.

Mr. HANSEN. I will not argue that point. I would agree with you. There probably are some things that you find reprehensible, but I was just curious if you had done that because that is some of the criteria that we can come to grips with.

Mr. BIMSTEIN. Well, I should say I have not done it. I do not know that the park has not.

Mr. HANSEN. I would be curious to know if anything like that has occurred.

Basically some aircraft are relatively quiet. As you point out, there may be things you do not like. I had an attorney from L.A. say he was going to sue me because I was Chairman of the Park Committee because he was down at Phantom Ranch, and he saw a condensation trail.

Well, I don't know how we would ever be willing to make those—it would be very difficult to do that—commercial aircraft flying between, say, 31 and 45,000 feet.

I would like to ask you more questions, but we are running out of time. I thank all four of you. Thank you so much for your testimony. We appreciate your being here, and we will turn to our panel.

Our last panel consists of Robin T. Harrison, President of Murphy & Harrison; Voneta Stocker of Las Vegas; Deloy Giles of Rigby, Idaho; Frank L. Jensen, President of the Helicopter Association International; Ron Swanda, Vice President of Operations, General Aviation Manufacturers Association; and John Sullivan, Chairman of the Grand Canyon Air Tour Council.

Can we line you folks up here? I appreciate you all being here. Thanks so much for being here, and we will start on this end with Mr. Harrison, and we would really appreciate your staying within your time, and I apologize, but we are running out of time, and I do not want you to talk to a blank wall up here, and we want your testimony. Besides that, if you abbreviate your testimony it would be helpful, but give us your testimony because we will go over it in detail. I and the staff and others will look at this.

So, Mr. Harrison, we will turn to you, sir.

STATEMENT OF ROBIN T. HARRISON, P.E., PRESIDENT, MURPHY & HARRISON, INC.

Mr. HARRISON. Chairman Hansen, Chairman Duncan, Mr. Ensign, it is going to be difficult to summarize 20 years of scientific work in 5 minutes, but you are at least as formidable as the Court of Appeals, and they make me stay with 5 minutes. I will stay with 5 minutes.

I appear before you today as a private citizen and fellow repentant pilot, having done my indiscretion in the canyon in a Starduster, a good bit of it upside down I am ashamed to admit. I am affiliated with no group that has a stake in the aircraft overflight controversy, although I have been a paid consultant to the Air Tour Association, and while a government employee, I was a paid consultant to the National Park Service in the development of

their report to Congress in response to Public Law 100–91 that has been referred to here.

I am the guy, along with my co-authors, Roger Clark and George Stankey, who first published the idea that natural quiet was a resource in its own right, deserving the same kind of attention and protection as other better recognized wilderness values.

This work started in 1995. Natural quiet was ill defined then, and it remains ill defined now.

Chairman Hansen's comments re. the definition of natural quiet are very well taken. It is clear from the testimony of the Park Service representatives here that the Park Service still has no handle on the definition of natural quiet.

Mr. Ensign's insistence on objective measurements of economic factors is very encouraging. It would be fine if such objectivity were applied to the definition of natural quiet.

Now, it is not for lack of trying that we still do not have a widely accepted definition of natural quiet. As with all other important issues, this issue has become polarized. The polarization of which I speak is not that natural and healthy tension which arises between those who advocate increased responsible use of our public lands and those who would decrease or discontinue these uses, but between those who would attempt to deal with the land management decisions from a scientific point of view and those whose decisionmaking basis is colored by emotion and belief.

In response to Public Law 100–91, the National Park Service and the U.S. Forest Service, which I proudly served for nearly 30 years, were directed to study the effects of aircraft overflights on parks and wildernesses. I was the technical advisor for acoustics to both of these organizations during the preparation of the reports to Congress.

Mr. Ensign has asked piercing questions with regard to the surveys that were taken during the National Park Service's part of that report to Congress. As the guy who was there selecting the contractors who did the surveys, I can tell you that the surveys that the Park Service presents in their report to Congress are not scientifically supportable. The surveys seek the attitudes of visitors and do not seek the response or effects on visitors.

Now, Congress never defined natural quiet. In an address to the Air Tour Association, which I gave a couple of weeks ago and which I have submitted to Mr. Hall for inclusion in the record, with your permission, I have outlined how I would define natural quiet in a scientifically defensible and visitor considering manner.

Now it is too long to go through right now, and I am terrified of the yellow light.

I have noted an impressive procession of documents from the FAA that deal with the special flight rules, starting with the draft environmental assessment and proceeding to the most recent notice of clarification. I am a designated engineering representative. I depend upon the FAA for my livelihood. With all due regard to my colleagues at the FAA and in grave risk to my children's college education, I have to say that all of these things have badly missed the point.

The point is that there has never been an acceptable scientific definition of natural quiet. The methodologies that the FAA and

the Park Service have selected to assess the restoration of natural quiet do not make scientific sense. They all fail to consider what I have called self-noise. They are based, in essence, upon the judgment of professional listeners paid to hear aircraft.

The issue of the detection of a sound and whether a sound is annoying to the listener is an extremely complex one and one which has been much studied over the last century. There is, however, even in the professional community that deals with this, considerable disagreement about how the annoyance caused by sound should be measured. All professionals agree that the most important effect of an intrusive sound, otherwise known as noise, in a nonoccupational setting, in other words, Grand Canyon, is annoyance. All agree that sounds not actively detected by the listener can cause no annoyance.

The detection or perception of a sound is a function of not just how loud the airplane noise is at the listener's ear, but also, among other factors, how loud the background is at the listener's ear, and the background at the listener's ear must include the noise generated by the listener himself. This noise serves to mask the intrusive sound.

If you have trouble sleeping, I will recommend a couple of mathematical texts on this issue. It is a very arcane and difficult issue, but it is one which is scientifically well established and which has been completely ignored by both the FAA and the National Park Service.

Acousticians who work in this area of human annoyance will all agree, however, that the number of spontaneous, unsolicited complaints officially lodged is tightly correlated to the actual annoyance suffered by the population in general in any given intrusive noise situation. Mr. Ensign has discussed the complaint history with regard to aircraft sound at Grand Canyon. All I think I need to say is that the minuscule number of complaints actually received by the Park Service in those timeframes when complaints were not being actively solicited should indicate my point.

Finally, let me speak very briefly to S. 268. As I read it, it seems to call for another study. I respectfully submit that another study is not useful.

Further, the very language of the bill is highly inflammatory. I cannot imagine that Congress would agree that aircraft operations can raise serious concerns regarding public safety, including the safety of park users. This seems to me to be a cheap shot, tying the tragic accidents that have occurred in Grand Canyon somehow to this noise issue.

At one of the sections of the bill, 3(b)(1)(A), a real cheap shot is found when the bill states that the Secretary shall submit to the Administrator recommendations regarding actions necessary to protect the public health and safety from any adverse effects associated with aircraft overflights. As I read this, they are trying to tie in some kind of hearing health considerations. This language sounds just like the EPA Organic Act, if you could call it that, where they were talking about the public health and safety from noise.

There is simply no health concern with regard to any aircraft noise in any national park, except perhaps for the pilots or mechanics.

As you might have noted and as I mentioned, I am a DER with the FAA. This means I am, in essence, an unpaid employee of the Federal Aviation Administration. I spend a good part of my life in heated argument with my colleagues there, and I have been rudely unkind, particularly to the FAA noise professionals, but let me say that I am in substantial awe of the FAA's technical and managerial expertise.

S. 268, as I read it, cedes control of the airspace over the national parks to the Park Service, and I could not imagine a greater disaster for either the park or the aviation industry.

I have submitted through Mr. Hall a number of materials which I ask that the Committee attach as part of my testimony, including the Forest Service report to Congress, which seems to have been much ignored during these considerations. The bottom line of the Forest Service report is that though there are local aircraft noise issues in wildernesses, as a general system-wide situation, it is not a problem.

Thank you.

[The prepared statement of Mr. Harrison may be found at end of hearing.]

Mr. HANSEN. Thank you very much.

Voneta Stocker.

STATEMENT OF VONETA STOCKER, LAS VEGAS

Ms. STOCKER. Good morning, Mr. Chairman and members of the Committee.

My name is Voneta Wittwer-Stocker, and I live at 14 Page Street, Las Vegas, Nevada, and I am also a senior citizen, although I do not always like to own up to that. It does apply to this situation.

I have asked that I be able to testify before you as a private citizen because I have heard some disturbing news about the possibility of the government disallowing flights over our national parks. I have read in the newspaper, heard things on television, and I try to keep on top of all of these things, and this has always been of a great deal of interest to me.

This particular thing has been very disturbing to me because I have had one of the most memorable experiences of my life when I flew over the Grand Canyon in a small plane and later in a helicopter.

Although I am not confined to a wheelchair, I can tell you that because I have had two open heart surgeries and a back operation, I would not be able to see the Grand Canyon any other way except by plane. I could never hike, ride a donkey, ride a raft or even a car that far.

The trips that I have had, and especially the helicopter, were the most breathtaking, beautiful experiences I have had in my life. I knew I lived in the desert most of my life, and I have always thought it was beautiful, but seeing it from the air, you get a much better view and the colors and the formations were just breathtaking.

This is to me a once in a lifetime experience, and to see things this way that could not be seen any other way, by a car or even hiking. It is very choice, almost spiritual to me, and I am the mother of five children and the grandmother of 14 grandchildren, and I would like to hope that the day can come when they can experience this wonderful opportunity of flying over the canyon and seeing it in the way I saw it.

I can still close my eyes and relive those trips. They were very, very exciting to me.

I want to say in closing that I appreciate you allowing me to come here today to express my thoughts on this subject. Maybe on the outside it may seem routine and not that big of a deal, but in reality, these experiences are once in a lifetime chances, and I feel that I would be discriminated against because of my age or my health if I was to not be allowed this experience of seeing the canyon, and I think that anyone who has ever flown over it and got this wonderful view will never forget it.

I've seen it from the rim, but certainly not from an airplane like I did these two trips, and I feel very strongly about that. There has been a lot of very professional answers and questions given here today, but this comes from my heart. This is the way I feel, and I am speaking for a group of citizens who are not able to do what, say, some young ones can do in hiking or riding the donkeys or river rafting.

But why should we not have the opportunity to see the beauty of our national parks?

Thank you.

[The prepared statement of Ms. Stocker may be found at end of hearing.]

Mr. HANSEN. Thank you very much.

Mr. Jensen, I turn the time to you, sir.

STATEMENT OF FRANK L. JENSEN, JR., PRESIDENT, HELICOPTER ASSOCIATION INTERNATIONAL

Mr. JENSEN. Chairman Hansen and Chairman Duncan, thank you very much for holding these hearings and for inviting me to testify.

We in the civil helicopter industry are dedicated to safety and reduction of noise not only in the national parks, but everywhere. I would like to repeat that air tour operators do not touch the park, and they help to protect the parks for future generations, and they are among the most environmentally friendly vehicles by which to access our national parks.

It is ironic that the national park leadership and others oppose this practical environmental resource.

Helicopter safety is not and never has been an issue in regard to national park overflights. For example, the only fatality that has ever occurred in helicopter tours of the Grand Canyon National Park was in 1987, when a tour helicopter and fixed wing aircraft collided.

The NTST review of that accident made two findings: No. 1, that safety was not an issue on aerial tours of the Grand Canyon National Park; and, No. 2, that the National Park Service interference

in airspace management contributed to this tragedy. That is a point that is often overlooked.

The overall safety record of tour helicopters nationwide is quite good, about one accident per 100,000 flying hours.

As to noise abatement, HAI initiated the Fly Neighborly Program in 1982 to reduce helicopter noise through voluntary operational measures. We have included some information on the Fly Neighborly Program with our written testimony.

In regard to noise in the national parks, there are many sources of manmade noise in the parks. It has been repeated a couple of times today that only 26 people out of five million visitors to Grand Canyon in 1995 spontaneously, and that is a key word, spontaneously complained about seeing or hearing aircraft.

This hardly constitutes a mandate to impose further restrictions on aerial tours or to splinter the nation's airspace system by delegating to land management agencies any control of air traffic over the national parks or elsewhere, and yet the National Park Service is busily preparing literature and programs to teach visitors to, quote, appreciate natural quiet and to be alert for the first sound of tour aircraft, and they are using taxpayers' money for this duplicity.

There is an ongoing analysis of National Park Service data on air tour overflights of the Grand Canyon. We have information from a qualified study group that these government studies were biased and misleading due to invalid and unscientific assumptions that overstate sound levels and detectability.

When these government errors are corrected, over 95 percent of the park will meet the Park Service's own definition of natural quiet. Before we distribute this latest analysis, we are having an accredited independent group complete a peer review so we can stand on good, solid ground.

Now, while the top echelons of the Park Service are actively and vigorously condemning air tours, which fly on specified routes above the rim, helicopters working for the Park Service make numerous daily flights right down into the bottom of the canyon, providing assistance to park rangers in performing administrative tasks. These are the helicopters that most visitors to the canyon see and hear, not the tour aircraft which are flying a mile higher.

There was a segment on a CBS TV program, "48 Hours," titled "The Grand Canyon: Dangerous and Endangered." It spoke of 283 helicopter search and rescue missions in one year, and these were prolonged missions down in the gullies, down in the streams looking for a body, looking for a person; five helicopter medevac missions going on at one instant, and five hikers being evacuated by helicopters in one day because of minor health problems.

These are appropriate missions for helicopters, and no other machines could perform these services. All of these low altitude missions are done under Park Service contract or for other land management agencies. So let's be fair about helicopter noise. Even if all air tours are shut down completely, there will still be frequent mission essential flights ordered by the Park Service.

Mr. Chairman, HAI strongly supports aviation safety and reduced noise. We encourage availability of quieter aircraft and engines, and we cooperate with all who are genuinely interested in

preserving our national heritage. Our common goal must be to balance the competing interests of diverse park users.

We, too, are dedicated to leaving not a moccasin print on this earth. In the words of President Teddy Roosevelt, we will do nothing to mar the grandeur of our national parks.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Jensen may be found at end of hearing.]

Mr. HANSEN. Thank you, Mr. Jensen.

Mr. Swanda.

STATEMENT OF RON SWANDA, VICE PRESIDENT OF OPERATIONS, GENERAL AVIATION MANUFACTURERS ASSOCIATION

Mr. SWANDA. Chairman Hansen, thank you for this opportunity to participate today.

I will be brief, but I do want to add two things that I think we as aircraft manufacturers can present to this debate that would give you some additional insight in your deliberations. No. 1 is quiet technology. No. 2 is more elaboration on what it means to have control of the airspace, a very important issue, as you have already identified.

First of all, the FAA study that originally instituted the rule on the Grand Canyon was very disappointing to us as manufacturers because it had a fundamental misunderstanding of the certification levels used in our aircraft. It tried to project those certification levels onto operating limits, and anyone who flies knows that you can take two pilots with identical aircraft and one using different operating techniques can fly to a quite different level, often much quieter, than an aircraft flown at maximum power at very low altitudes.

Consequently, it does not make sense to penalize operators across the board when they may have quite different operating techniques, and it does not make sense to use this certification data for the types of analysis the FAA did.

In fact, the measurement of noise is quite subjective. It's called "Effective Perceived Noise," measured in dBs. It is adjusted for the frequencies that pilots and people are more sensitive to than other frequencies, and in fact, in the Stage 3 rule that was adopted nationwide only for turbojets, business aircraft, for instance, might have a quieter noise level than a Stage 3 large aircraft, like a 747. So this is a very difficult area to make generalizations in.

We were also very disappointed in the most recent NPRN because it asks for manufacturer comment about quiet technology and new certification levels. To be honest with you, we are quite puzzled by what this technology is. We have some technology today that is available, especially for the props of turbo props. These aircraft are the ones that are typically used for sightseeing and not on the larger turbojets.

We are not aware of other technology that is going to make a major breakthrough in the sound these aircraft make as they fly. So we are quiet puzzled in how this will result in a major resolution of this whole issue.

Control of the airspace is a very important issue to us, and as you heard, this issue is more than just the airspace that is over the

Grand Canyon and other national parks. It applies to every community that is impacted by noise. We must insure that whatever policy the Congress believes is valid, is valid everywhere, and I believe and I hope you believe, that the FAA is the best agency to develop that policy because they have the technical skill and the experience to do so.

A slight analogy might help provide some insight to this. For instance, if the FAA approached the Park Service and said, "We would like to install a major hub airport on the edge of one of your national parks," I am sure the Park Service would probably say, or I hope they would say, "Let's do a study of this and see if it makes sense. Is it, indeed, in the public interest? Give us your input. Why did you pick this place instead of others? Let's measure the noise impact. Let's measure the economic impact. Let's do the cost-benefit analysis. Let's do this thoroughly."

And then the Park Service and the Park Service alone, because they control the ground at that area, would be the sole authority to make the final decision. It would not be a joint decision between the FAA and the Park Service, although the FAA would be required to make their best case. It would be the Park Service alone.

Likewise, we believe it should be the FAA alone that makes that final decision on air space issues. That is where you sometimes have heard confusion from some of the witnesses. Everyone believes that the FAA should administer the airspace, but not everyone believes that the FAA should, in fact, set the policy and be the sole authority for that airspace. That is what we believe is necessary. Otherwise we will have every community in this country impacted by noise actually, or by perception, come to the Congress or the FAA with different noise standards, and it will greatly impact our national transportation system.

We would certainly hope that the FAA would be reasoned and factual, make a common sense decision and weigh all of the national interests, including those presented by the Park Service. I trust that they can do so.

If we put together a plan where the Park Service has equal standing with the FAA, we are, in fact, giving them veto power; that the FAA can reach no decision without their approval, and I believe that is a big mistake.

As you heard from Glacier National Park, imagine putting together a management plan in Glacier National Park with the gentleman that you heard today that said actually no aircraft, ever, nohow would be acceptable even if they are absolutely quiet. What kind of a decision would that be?

Our next concern is that if you have to have an approved plan before you can start or expand air service. It would be very easy for government to just drag that out for the next 50 years and, in effect, kill any economic benefit to starting service. They could never actually get it approved. It would be studied forever. We have already seen some abuse of this with other environmental laws, and we are concerned that that could happen again.

Once again, I thank you very much for inviting us to testify today, and I look forward to any other questions you have.

[The prepared statement of Mr. Swanda may be found at end of hearing.]

Mr. HANSEN. Thank you very much.

Mr. Sullivan.

STATEMENT OF JOHN SULLIVAN, CHAIRMAN, GRAND CANYON AIR TOUR COUNCIL

Mr. SULLIVAN. I represent the Grand Canyon Air Tour Council, a nonprofit organization based in Las Vegas, which represents air tour operators. I want to thank you, Chairman Hansen, for this opportunity to speak here today concerning the question of overflights of national parks.

I will speak primarily about the situation in the Grand Canyon of which I am very familiar.

I think the Grand Canyon could and should be considered a model for other park units where air tours are conducted now or where they may be conducted in the future. The present Grand Canyon overflight situation is an interesting story of imposing new restrictions or solutions to problems that were fixed 10 years ago. It is an example of pulling the feet out of the jaws of victory or making a mountain out of a canyon.

Ten years ago there were problems in the canyon that needed to be addressed. There were safety problems culminating in a midair collision between tour aircraft in 1986, and there were some environmental impact problems as well.

As a result, we had the National Overflights Act, which resulted in the creation of the SFAR 50–2 airspace system that is in place today. This system created a network of air tour routes in the Grand Canyon that overfly approximately 16 percent of park lands. The rest is off limits to air tour aircraft.

This system eliminated below the rim flights and imposed additional pilot training requirements on air tour operators. So how has it worked?

The system has been a resounding success in accomplishing both goals. On the safety issue, there has never been an accident in the SFAR 50–2 system in a decade. The present safety record for the Grand Canyon air tour industry is nothing less than remarkable, particularly considering the nature of this operation and environment, which is relatively low level flights over remote and jagged terrain in small airplanes and helicopters.

The present accident rate is better than the commuter airline industry nationwide, and is three times better than the commercial air taxi industry nationwide. There has not been an injury or fatality accident in over 3 years and over half a million flight hours.

On the environmental side, complaints about aircraft have declined more than 90 percent since the SFAR system was put in place. Today there are about three complaints per month out of about five million visitors annually. A visitor survey was recently conducted by the National Park Service in the Grand Canyon. Despite some obvious biases against aircraft, the results indicated that 92 percent of all park visitors reported there was no impact from aircraft, not slight or moderate impact; none.

Even the most sensitive back country user groups surveyed, those who take nonmotorized float trips down the Colorado River, reported no impact by nearly 70 percent of that group.

As Nevada Governor Bob Miller pointed out recently in a letter to the Secretary of Transportation, there are presently more complaints about meals in the Grand Canyon than about aircraft.

Anti-aviation persons and groups will come before you today and tell you there is no place you can go to escape the noise of aircraft in the Grand Canyon. I would never call anyone a liar, but let's just say some people are factually challenged. I would advise anyone interested in this issue to go and see and hear for yourself. The Grand Canyon is just 58 miles south of here as the crow flies, about a 20 minute flight in a small plane.

If you do go, you will hear and see that someone is pulling your leg about this, quote, unquote, awful problem with overflights.

I was in Senator Harry Reed's office a couple of years ago, and I said to Senator Reed that if our aircraft were bothering anybody out there, then we would agree additional new restrictions would be appropriate. Senator Reed said he had just completed a 6-day, 5-night raft trip down the Colorado River that took him through the heart and soul of the Grand Canyon. During that time he said he heard and saw one aircraft.

So if we fixed the problem 10 years ago, what is going on here? Well, in 1992, we had an election, and a new administration went to Washington. Opponents of overflights, namely, two environmental groups represented here today, the Grand Canyon Trust and the National Parks and Conservation Association, and their allies inside government, primarily in the Department of the Interior, saw this election as an opportunity to finally do in the air tour industry.

All of a sudden the goal was no longer to protect the visitors from the sound of aircraft. We were now also to provide a natural quiet experience for the rocks as well. In other words, the standard was changed. Natural quiet is no longer about visitors at all.

In 1992, it became the pursuit of quiet for quiet's sake even where there are no visitors, which is true in the 16 percent of the park that we were forced into 10 years ago. It appears to those of us who are embroiled in this issue that what is needed now is new legislation that clears up some of the ambiguities and opportunities for radical interpretations that now exist.

This legislation should address the jurisdictional turf fight between the FAA and the Park Service. The FAA must remain in control of the airspace over this country, period. To allow one land management agency to dictate airspace management will invite all land management agencies to do the same. It will begin a process of piecemeal dismantling of our national air transportation system one park and forest and monument at a time, and it will be a disaster for air transportation in this country, particularly in the West where there are so many big parks and so much public land.

Secondly, the legislation needs to clarify this natural quiet stuff so the agencies will not again run amuck whenever there is a change in residence at the White House. Air tours should be managed in some parks where a certain volume of activity warrants this management, but tour routes and altitude restrictions need to be reasonable and based on minimizing the impact on park visitors and not this present nonsense of protecting quiet for quiet's sake, especially when this means the destruction of an important, little

industry that has done a safe, efficient job providing a quality service to hundreds of thousands of people per year, many of whom are unable to visit the parks in any other way.

Thank you again for this opportunity to comment.

[The prepared statement of Mr. Sullivan may be found at end of hearing.]

Mr. HANSEN. Thank you, Mr. Sullivan.

Would you hand the mic over to Mr. Giles, please?

Mr. Giles, I recognize you, sir.

STATEMENT OF DELOY GILES, RIGBY, IDAHO

Mr. GILES. Mr. Hansen, I am not in favor of long meetings, and I have rewritten what I had to say. So whatever you have is not—yes, I wrote that to begin with, but after hearing all of this, I am very concerned.

I have a deep problem with some of those with the parks and recreation after hearing this today. If you deprive the flights over the Grand Canyon, I will never see them again. That is all it is.

I have been over it a number of times. I have been down in it in a helicopter. It is the greatest thing I have ever done. I have to pick and choose.

I am sorry I cannot go down this lady's raft. I cannot go down it, whoever it was that thinks all of these handicapped people or older people, older than 60. You know, when we get to a certain age, we just cannot do it anymore.

So that I do not take too long I just want to tell you I get upset about hearing no noise. If we did not have any noise, can you figure where this country would be? What a sad situation.

I guess the last thing I would like to say, and you can read whatever on the papers that are turned in, I feel I did not even need to be here today. I felt like you three men, Representative Ensign, and you—I keep calling you Mr. Hansen because you are a representative of the people, and I feel like I need to call you that—and then Mr. Duncan from Tennessee. I just feel like you three people already had in your minds that there had to be a way to get the disabled and the elderly and those that have difficulty in getting to and from some of the sights that we have in this land, and the Grand Canyon probably being one of the most awesome, that you already had us in mind, and I did not even need to come because I think you know that we want to go there, too.

And I thank you very much for listening to all that has been said this day and hope that you will—we just cannot stop those flights going there.

Thank you.

[The prepared statement of Mr. Giles may be found at end of hearing.]

Mr. HANSEN. Thank you, Mr. Giles. I appreciate your coming, I guess, from Rigby, Idaho, to testify. It is very kind of you to be here and all members of this panel.

I have got about 20 questions for each one of you, but I am not going to ask them, but I am going to submit them, and I would really appreciate the answers, and we will look forward to those. Could I have them by January?

Because really the conclusion of this whole study that we have been talking about, and I do not think anyone has read the concluding statement, which I will, says this: "Because the matter is not entirely clear of doubt, Congress should clarify the authority of the FAA and the National Park Service to implement the national park overflight regulatory system recommended by the working group and implement other recommendations of the working group that require legislation," and, frankly, that is what we are talking about today.

This will not be the only hearing we will do on this. We will do a hearing in Washington. We will probably do some hearings maybe in other areas where we feel it is necessary.

It is not just because I chair the Committee that we do this and this is my district. It is also because, as Mr. Giles pointed out, one of the greatest attractions for folks is the Grand Canyon, and as we look around the Grand Canyon, there are probably more parks in this area, more natural beauty than you will find other places.

Somewhere we will try to come up with a reasonable answer to protect the folks who should see it and protect the resource at the same time.

Boy, that is a tough act to do, you know, and let me honestly say we will be wrong because I have never, and I have been part of so many bills in my nine terms in Congress, and you never please anybody. Sometimes that is the criteria of a good piece of legislation, that neither side is happy, but we will try to do our best to represent the interests of all Americans where we can.

So let me thank all of you, and we will submit questions to you. I notice Commissioner Gardner has come in from Washington County. You had a comment you wanted to make, Commissioner?

Mr. GARDNER. Just briefly.

Mr. HANSEN. Come on up here and grab a mike, and we will just hear from you real briefly if we could.

Also we have a river runner here who is President of Western Rivers who uses helicopter service on a regular basis, Mr. Lynn Keller. Would you like to come up and say a word, Lynn? We will let you take a minute or two if you would like to.

Mr. Gardner, we turn to you.

STATEMENT OF ALAN GARDNER, COMMISSIONER, WASHINGTON COUNTY, UTAH

Mr. GARDNER. Thank you, Congressman.

I appreciate the opportunity to be here and express my thoughts on the fly over.

My wife and I made our first visit to Bryce Canyon National Park this last September, which is a shame, I guess, living in this area as long as I have and never been to Bryce, but we greatly enjoyed the beauty of inspiration in Bryce points, and I was completely unaware of the helicopter as it flew over until my wife pointed it out, and while we were down on those points, there was another helicopter and another airplane that flew over. They moved quickly through the area and with very little noise.

But as we looked off these points, there were a lot of trails that went down through the park as well, and there were several groups of hikers on these trails, and I do not feel that my experience at

Bryce was disturbed any more by the air traffic than it was by seeing the people walking around down in the bottom of the canyon.

And I have visited Zion National Park many times over the years, and I have hiked numerous trails and developed a deep appreciation for its beauty. This past spring I had my first experience in flying in a helicopter over the northeast part of the park as we were monitoring a forest fire. Looking at Zion from the ground up is beautiful, but looking into some of the canyons from the air is a fascinating, new experience that I have never had before.

And I would agree that there are many senior citizens and handicapped individuals and those who do not enjoy hiking who visit our national parks, and are they to be denied these beauties? It is like going to see the works of a famous sculptor and being told when you get there that you have to look from a distance and maybe only look at it from one angle, that you cannot really appreciate the true sculpture.

My closing comment would be that if we allow extremists to stop the fly overs, we will be back in a short time having hearings on whether we should close the trails to hiking as well.

[The prepared statement of Mr. Gardner may be found at end of hearing.]

Mr. HANSEN. Well, thank you, Commissioner.

Mr. Keller, do you want to come up and give us your viewpoint from the very bottom of the canyon? This is right at the bottom here.

Pull the microphone over, would you, please?

STATEMENT OF LYNN KELLER, PRESIDENT, WESTERN RIVER EXPEDITIONS

Mr. KELLER. Thank you, Congressman Hansen.

I appreciate the opportunity to sit here and give a viewpoint from the bottom. I am one of the owners of three of Western River Expeditions. I have run rivers in the canyon, about 70 trips personally. I have been involved with the Colorado River since probably the 1965 period. I ran my first trip about then in oar powered boats.

I have seen the emergence of the river industry since the mid-'60's as it has developed. Helicopters came into use probably in the early 1970's as a viable way of transporting people in and out of the canyon. I have seen the use of the helicopter pad that originally Western used, which was above Deer Creek about 10 miles at a plateau that was right in the middle of the canyon where people fly over above Deer Creek; moved down to Lava Falls and consequently over the years was moved again to a less noticeable area at Whitmore Wash where we now transport people out.

Our company takes 4,500 people a season down the Grand Canyon.

Mr. HANSEN. So you are the biggest river runner on the river; is that right?

Mr. KELLER. We are, and we take a 6-day trip ending at Whitmore Wash, and those people go out with helicopters, and we do an even exchange where another group of people have an opportunity to see the canyon in 3 days on the lower 100 miles. So we

do an even exchange using the helicopter that carries six people each trip.

On a trip I was on there this year, we were able to exchange 130 people approximately in 2 hours. During that transfer time, we did not see one boat go down the river that seemed to be affected by that, either private or commercial, during that exchange. So those 130 people were exchanged in 2 hours. It figures out to be about 20 seconds on an average that one person would take being in the park, the actual boundary of the park, at that place.

It is a very low impact area where we take people out. It is not a scenic spot. It is 100 miles below Phantom Ranch. It is 32 miles below the creek where Habisou flows in, and there are no campgrounds particularly where people stay there. So we found that to be the best place to take people out.

Over the years that I have been with Western River, I cannot recall ever having a single complaint from our river guests about the use of helicopters. We used to use——

Mr. HANSEN. Wait a minute. Wait a minute. You run 4,000 people a year, and you have never had one complaint, and you have been there since 1965?

Mr. KELLER. I do not recall ever having a written or verbal complaint.

Mr. HANSEN. Excuse me.

Mr. KELLER. Thank you.

We cater to all kinds of people, including the disabled. We have many, many——

Mr. HANSEN. Could you take Mr. Giles down the river?

Mr. KELLER. I would be happy to do it, and we can.

Mr. HANSEN. No, I mean could you. Can you physically take a gentleman in a wheelchair down the river?

Mr. KELLER. Yes, and we do. Our boats are large. They are 37 feet long, 15 feet wide, motorized boats, and we have taken many disabled. In fact, we have even specifically chartered disabled trips for people to go in wheelchairs.

I accompanied one this year. Three years ago in Grand Canyon we took a disabled group of people to Phantom Ranch. They were children at risk. We caught the trip for the kids, and they went out by mule or hiked out. We had blind people. We had some that were in wheelchairs, and then we brought adults down the last half of the trip, and they went out at Diamond Creek.

But the point is we do cater to people in all walks of life, disabled or not. We have people in wheelchairs that come on occasion. We have people with heart problems. We have people that have problem walking, but the helicopter makes access available, and we are very much aware of the Disabilities Act of 1990, which the ADA, you know, makes equal access for people regardless of their physical disability.

And so it is an interesting thing to know that we do not have any complaints from our guests.

Mr. HANSEN. Let me ask you quickly, and I know you all want to get out of here, and so do I, but when we did the 1987 bill, the last amendment I put in was to allow helicopters to go take people out for emergencies and to land to take people out at the end of

trips. Some of our members of the Committee feel that should be taken out of the law.

What would that do to your business?

Mr. KELLER. Well, obviously half the people we serve are over the age 50. It would create an impact on the lower canyon where the six to eight people now would have to transfer. We would have to take them all the way through the canyon. It would eliminate the opportunity for people who do our lower 3-day canyon trip, of which we take over 2,000 a year, who do not want to spend more than 3 days in the canyon, and I know many people try to dictate what a good, true Grand Canyon trip ought to be, and many people say 3 days is not enough, but to many people 3 days is perfect and especially in the last 100 miles where they go.

And so it would eliminate a good segment of that public who will not go back and do a 6-day trip because of the length of time and because of some other reason. So it would probably affect 38 percent of our business or 38 percent of our people who would choose to do a lower canyon trip now, who would not have that available to them, and who knows what other percentage it would be of the 6-day people who come because they have the opportunity to go out by helicopter, which is very quick? It is a total of a 10-minute ride out of the canyon, and they are only in the Grand Canyon park about one minute of that time.

Mr. HANSEN. Well, we will wind this hearing up.

I think the thing that disturbed me the most, and you folks on the ground knew, was the idea that there was no criteria for the superintendent of the park to determine. That was not laid out in this, and that kind of bothers me a little bit. I think maybe we should lay that out.

I think it is unfair to the superintendent, and I think it is unfair to the concessionaires, whether they are river runners or aircraft, without having some that we all know what we are dealing with rather than have a personality do this. We get in trouble that way.

But I will not belabor that. I just want to thank this panel and the Commissioner and Mr. Keller for giving us this input. It has been very informative.

We kind of pore over these things a lot and go over them, see where we are going. Probably the end of this will be, as this report pointed out, Congress is going to get in this act, and we will probably put together a rough draft in the spring or summer, and then we will hold that draft up to be shot at, so to speak, and then everyone can look at that and see what they do not like, and that is perfectly fair and honest, and we appreciate all of you doing that.

So that is where we are headed. I hope we can do something that is good for America and protect our environment at the same time, which is always just a tad difficult to please everybody. We rarely try. We try to do what we think is right. So we will do our best in that regard.

And thank you all for coming. It has been a very informative hearing, and this is adjourned.

[Whereupon, at 1:10 p.m., the joint Subcommittee was adjourned, subject to the call of the chair.]

[Additional material submitted for the record follows.]

STATEMENT OF BARRY L. VALENTINE, ACTING DEPUTY ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION

Chairman Hansen, Chairman Duncan and Members of the Subcommittee:

It is a pleasure to appear before you today to discuss the Federal Aviation Administration's (FAA) commitment and continuing efforts to reduce the impact of aircraft overflights on our national parks.

This Administration has committed significant time and effort to developing a specific plan that will restore natural quiet to the Grand Canyon National Park (GCNP) and to formulating a national policy and process to manage aircraft overflights over national parks across the country. Numerous groups are affected by rules concerning overflights. Many park visitors and those charged with preservation of park resources are concerned about air traffic over park lands. Those who provide access to park resources from the air, and have done so for years, believe that they have a legitimate stake in continuing their operations, while offering a unique and unparalleled way to view the parks. And, in the case of western parks especially, Native American cultural and historical properties are impacted by flights over or near park land.

Our efforts to address park overflights date back to 1987 when Congress enacted the National Parks Overflights Act. Since that time, the National Park Service (NPS) and the FAA have worked together to reduce the impact of overflights on park lands in parks as diverse as the Haleakala National Park in Hawaii and the Statue of Liberty National Monument in New York. The most challenging task to date, however, has been developing a strategy that will substantially restore the natural quiet in the Grand Canyon while preserving the current air tour industry. Because of the diverse and strongly held positions of the various parties with interests in the Grand Canyon, it has been difficult to achieve consensus on how to resolve the issues.

In 1993, Secretary of the Interior Babbitt and then Secretary of Transportation Peña established an interagency working group to resolve the many difficult issues involved in the Grand Canyon. Based on the work of the interagency group, the FAA and the Park Service published a final rule and two proposed rules on December 31, 1996. We believe that these documents propose a strategy that will reduce the impact of aircraft noise on the park environment and assist the National Park Service (NPS) in achieving substantial restoration of natural quiet in the GCNP.

Restoring natural quiet to the GCNP will take the commitment and cooperation of everyone concerned. In the near-term, everyone must seek compromise, and the Administration's proposed strategy reflects that compromise. Our strategy includes both short- and long-term actions necessary to restore natural quiet while balancing the interests and concerns of those with vested interests in the park.

In an effort to avoid any further increases in noise levels experienced in the Grand Canyon today, the Administration's strategy establishes a cap on the number of aircraft operating in the park. The cap is based on the number of aircraft operating in the park between July and December of 1996. We also established a curfew in the eastern part of the park in the Zuni and Dragon corridors, and we established a 5-year reporting requirement for air tour companies operating over the canyon. The curfew achieves immediate benefits in reducing noise levels in some of the most scenic and most sensitive parts of the park. The reporting requirement will assist the FAA and the Park Service in measuring and monitoring noise levels in the Grand Canyon and, if necessary, help us to refine our current noise standard.

Other short-term actions in our strategy include increasing the flight-free zones in the GCNP and restructuring air tour routes. Although these short-term actions alone will not permit the Park Service to accomplish its legislative mandate of restoring natural quiet to the park, they are important first steps that will reduce noise levels experienced in the GCNP today, and they will lay the groundwork for future actions that will result in the restoration of natural quiet.

One way to restore natural quiet and maintain a viable air tour industry is to conduct air tour operations using quieter aircraft. That is why the Administration has proposed the gradual phasing out of many of the current air tour aircraft and replacing them with more noise efficient designs that incorporate quiet aircraft technology. If adopted, the proposal would define air tour aircraft in terms of "noise efficiency" and rank aircraft accordingly—"category A" aircraft being the noisiest and "category C" aircraft the quietest. Phase out of "category A" aircraft could begin in the year 2000 with a gradual phasing out of both "category A" and "category B" aircraft by 2008. The proposal also provides incentives for air tour operators to invest in quiet technology aircraft. For example, special air tour routes could be established where only quiet aircraft would be permitted to operate. We believe this part of the overall strategy—the phasing out of noisier aircraft with the proper economic

incentives—is a viable solution that can both restore natural quiet and preserve air tour operations.

Mr. Chairman, this brings us to our most recent initiatives to address air tour operations over park lands nationwide. Before discussing the actions of the National Parks Overflight Working Group, I would like to take moment to clarify the FAA's position concerning airspace jurisdiction.

Federal law and Congressional policy mandate that the authority over our nation's airspace reside with one agency—the FAA. The National Park Service supports this position. The FAA believes that it is essential that this position be maintained. In the past, the agency has consistently opposed any legislative proposal that has either directly or indirectly diluted the FAA's authority over the airspace. I can assure you, Mr. Chairman, the agency will continue to do so. The FAA's broad authority and responsibility over the airspace has been acknowledged and accepted by the National Parks Overflights Working Group from the beginning and the national rule will reflect this position.

With that said, I would like briefly to bring you up-to-date on our national efforts. Based on our experience in the GCNP, we learned the importance of bringing all of the interested parties to the table early. When Secretary Slater and Secretary Babbitt announced the creation of a National Parks Overflights Working Group, they made it clear that they wanted a plan that would balance the interests of everyone concerned—the national park system, air tour operators, visitors to our national parks, and those who live in or near the parks. Therefore, the national working group is composed of nine members representing air tour operators and other commercial aviation interests, general aviation, environmental groups, Native Americans, and the Federal Government.

I am pleased to report that the national working group has reached a general consensus on most issues and has formulated recommendations. They will meet with the FAA's Aviation Rulemaking Advisory Committee (ARAC) and the NPS Advisory Board in the near future. The ARAC and NPS Advisory Board then will review the working group recommendations and will report to the FAA and NPS. The final report of the working group will be made available to the public and we plan to hold public meetings early in 1998.

The partnership approach developed by Secretaries Slater and Babbitt is the most promising and rational approach for dealing with this issue. We believe that together the National Park Service and the Federal Aviation Administration are well on the way to achieving a national overflights rule that will continue to provide access by air while maintaining the beauty and unique experience that national parks afford. In doing so, we are relying upon the lessons learned and our shared experiences in formulating a proposed strategy for the GCNP. It remains our policy in managing the navigable airspace over these natural treasures to exercise leadership in achieving an appropriate balance between the nation's need for air transportation, environmental concerns, and technological practicability while maintaining the highest level of safety.

This completes my prepared statement Mr. Chairman, and I would be pleased to respond to any questions you and members of the Subcommittee may have at this time.

STATEMENT OF JACQUELINE LOWEY, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and Committee members, thank you for the opportunity to appear before you at this oversight field hearing to comment on commercial air tours over national parks.

For the last 125 years, since the creation of Yellowstone National Park in 1872, the Congress and the Executive Branch have worked as partners in setting aside and protecting this great nation's natural, cultural and historical resources. The National Park Service was given the mission and the honor of conserving these resources and of providing for their use by the public "by such means as will leave them unimpaired for the enjoyment of future generations."

What foresight our nation's leaders had in setting aside these spectacular lands. As our population increases and urban centers and suburban areas continue to develop and grow, people will be able to experience the sights and sounds of these lands in perpetuity. It is a gift we have been given and one we will pass on to future generations.

Let me say up front and clearly, the National Park Service recognizes the value of the air tour industry, its contribution to our economy, and the experience it offers to many of our visitors. We do not seek to ban air tours over all National Park Sys-

tem units, as some fear. The increasing number of air tours over national parks real challenge because on one hand, air tours clearly provide many park visitors a wonderful opportunity to enjoy the parks from the air. On the other hand, in some instances, these tours can have a substantial negative impact on the ability of other park visitors to enjoy their park experience and to have the opportunity to experience some of the unique resources and values of the parks. Additionally, overflights can interfere with wildlife (including threatened and endangered species), cultural resources, and ceremonies. Therefore, as we do with other uses of the park, we must seek an appropriate balance.

Congress wisely recognized this when it passed the National Parks Overflights Act in 1987 and directed the National Park Service to achieve a "substantial restoration of natural quiet" at Grand Canyon National Park. Commercial sightseeing air tours began at the Grand Canyon as early as the 1920's. At low levels of operation they were not perceived of as a problem. The situation began to change after the construction of the Grand Canyon National Park Airport which facilitated the growth of the air tour industry. More recently, greater growth in sightseeing tours has come from companies based in Las Vegas.

In 1987, Grand Canyon became the first national park where air tourism was regulated. Special Federal Aviation Regulation (SFAR 50-2), resulting from the requirements of Public Law 100-91, was the first attempt by the FAA and the National Park Service to address jointly the safety and noise effects associated with commercial air tours. These regulations were effective in addressing safety issues, however, they did not anticipate or address the subsequent dramatic increase in the number of flights over the park; and, as we have come to understand more recently, they did not provide a satisfactory mechanism for involving all the effected parties in the decision-making process.

Safety was also the reason that the FAA imposed a set of emergency regulations (SFAR-71) on high-volume commercial air tour operations in Hawaii. At Haleakala National Park in Hawaii, the National Park Service has been working with a group of air tour operators to see if a voluntary agreement can be developed which will meet the needs of all parties in the vicinity of the park.

Air tour operations have provoked serious concerns around such parks as Great Smoky Mountains, Glacier, Canyonlands, Zion, Bryce Canyon and others. As I noted earlier, even the prospect of establishing air tour operations in Estes Park, Colorado, on the edge of Rocky Mountain National Park, was sufficient to galvanize citizens of Colorado to request the FAA to establish a ban on commercial air tours over that park.

Both by law and by Presidential directive, the National Park Service is directed to preserve natural quiet in certain units of the National Park System. Natural quiet—the natural ambient sound conditions in parks, including the sounds of birds, rivers and nature, without the intrusion of mechanical noise—has been explicitly recognized as a resource and value the National Park Service should protect. The Federal Aviation Administration (FAA), which has the sole authority over the regulation of our nation's airspace, is a vital partner in carrying out that direction. The National Park Service has the authority and responsibility to assess the impact of overflights on park resources and the visitor experience, but the FAA must determine the efficacy and safety of all airspace management proposals.

Both agencies must and do work diligently together to address the management of air tours over national parks, the quality of service provided to park visitors, and the impact these tours may have on park resources and other visitors. Mr. Chairman, as someone who has worked for both the Department of Transportation and the National Park Service—and one who has been on both sides of the table when we have worked to resolve differences in approaches—I can assure you that both agencies are committed to this effort.

The 1994 National Park Service Report to Congress on overflights, required by Public Law 100-91 made a number of pertinent recommendations:

- The FAA should develop an operational rule triggered by the National Park Service to regulate air tour operations where they have or may have adverse effects on national parks.
- The FAA should implement a rule which would provide for the protection of natural quiet in national parks, allowing regulated air tour operations in most, but prohibiting them where the size or configuration of the park or the sensitivity of the park's resources require it.
- All reasonable tools and methods—voluntary agreements, use of quiet aircraft, spatial zoning, altitude restrictions, operations specifications, concession agreements, noise budgets, and limits on times of operations—should be used in establishing appropriate airspace/noise management controls for each park which has air tours.

Even before the 1994 report was completed, Secretary of Transportation Federico Peña and Secretary of the Interior Bruce Babbitt agreed to form an Interagency Working Group (IWO) to explore ways to limit or reduce the impacts from overflights on the national park system. I was Secretary Peña's representative on that working group. Both Secretaries agreed that increased air tour operations at Grand Canyon and other national parks have significantly diminished the park visitor experience and that measures can and should be adopted to preserve a quality park experience, while providing access to the airspace over national parks.

President Clinton, in his 1996 Parks for Tomorrow Initiative, directed the Secretary of Transportation to continue the ongoing development of rules that effectively address the national parks overflights issue. The President, like several members of Congress, recognized that we need a comprehensive national policy and process to address this issue broadly. In response to the President's directive, the two agencies established the *National Parks Overflights Working Group* (NPOWG). The nine-member group consists of air tour industry representatives, individuals representing environmental interests, and individuals representing the interests of Native Americans. The Working Group's tasks were to develop a recommended notice of proposed rulemaking (NPRM) which will define a process for reducing or preventing the adverse effects of commercial air tour operations over units of the National Park System. There were five specific parameters to guide the working group:

- The recommended rule should be process-oriented and applicable to any unit of the National Park System where commercial sightseeing air tour operations are identified as having or potentially having adverse effects on park resources or the visitor experience.
- The recommended rule should be designed to facilitate problem prevention at parks where a problem does not yet exist.
- The recommended rule should be designed to resolve conflicts, or to mitigate adverse effects, at those park units where commercial air tour operations are having adverse effects on park resources and visitor experiences.
- The recommended rule should provide for appropriate tribal involvement in the process recommended in the NPRM when tribal lands adjacent to or near national park service units may be impacted by air tour regulations. The recommended rule should provide for appropriate public input at the park level.

Mr. Chairman, I am happy to report that from all accounts the working group process has proceeded exceptionally well and that its members have reached a consensus recommendation on how the agencies should proceed with a NPRM. Both agencies are excited by the prospect of this agreement.

We anticipate that the Federal Aviation Regulation (FAR) developed by the FAA in consultation with the National Park Service will be based on recommendations from the working group. We expect to receive these recommendations at the end of this month, at which point the two agencies will turn these recommendations into rule language.

This concludes my prepared remarks. I appreciate the opportunity to appear before you today and would be happy to answer any of your questions.

STATEMENT OF JERI LEDBETTER, VOLUNTEER, SIERRA CLUB SOUTHWEST FIELD OFFICE

As a professional river guide as well as an aircraft owner and pilot, I have been actively involved with the issue of aircraft noise over our national parks for nearly 10 years. As past president of Grand Canyon River Guides I focused on our worst example, Grand Canyon National Park. I have never been compensated for this work, and I am here today at my own expense. I provide this testimony because I am profoundly concerned about a cherished resource—natural quiet—whose steady deterioration I have witnessed over the years.

I have flown over the Canyon as well as spent a great deal of time within its walls. Although there is room for many types of visitation, we must strike a better balance. And we must see to it that what has happened in Grand Canyon is not allowed to occur in our other national parks. There should be places in the world where one may escape the ever increasing clamor of technology. When I was a child I visited Grand Canyon, and it was such a place—a quiet and serene sanctuary. It is no more.

With the Overflights Act, Congress sent a clear and visionary message that Grand Canyon is a unique treasure worthy of protection, and that natural quiet is a resource to be valued. Yet with no limit to the number of flights and a lot of foot dragging by the FAR, the problem remains far from solved; in fact the noise has reached an unacceptable level.

No one form of visitation should be allowed to become so pervasive that it impacts all others, as is the case with air tours in Grand Canyon. Granted, more than 800,000 people visit the Canyon by air each year, compared to a relative few on the backcountry trails or on the river. There's a reason there are so few, and it isn't lack of demand. The National Park Service strictly limits the number of visitors by foot, mule, or boat in spite of demand, in spite of potential profits. The goal is protection of both the resource and visitor experience.

Permits for most backcountry trails must be obtained months in advance, commercial river trips a year or more. Rafters may wait 10 years to obtain a private permit to run the Colorado River. Such restrictions are necessary and consistent with the National Park Service's mandate to protect the resource. Why should air tours be the sole exception? Calling for limits on the number of air tours isn't elitist, nor is it unreasonable. Such action is consistent with the goals of the National Park Service as well as the Overflights Act.

The FAA, however, has not received this message. They cast aside most of the National Park Service's recommendations, not on the basis of safety, but purely to protect the economic interests of the air tour industry. The rule, now delayed yet again, still falls far short of the goal.

Every step of the way, air tour operators claim imposition of flight rules will drive them out of business. To the contrary, their businesses flourish, compounding the noise problem and necessitating a revision of flight rules.

For those who argue that an air tour has no lasting impact, I ask at what point they are willing to cease all operations? Ten years? Twenty? They don't ever plan to stop, so how can they claim their impact isn't as permanent as a footprint?

Some claim that air tours are the only way the disabled and elderly can see Grand Canyon. Yet no part of this rule would preclude anyone from taking an air tour. We respect the value of accessibility. However, the disabled tire of being told what they cannot do. They have faced the word "can't" all too often, for much too long. To their credit, many have tested their limits and discovered just how much they can do. I see the elderly and the disabled on the river in greater numbers every year, as well as on the trails, and I find that inspirational. It is not only inaccurate, but it is also illegal, to suggest the disabled may only visit our national parks by air.

Change comes hard, but in our national parks different rules apply than those to which the air tour industry and the FAA are accustomed. Economic interests must take a back seat to resource protection. Operating within our national parks for profit is a privilege, not a right.

These are difficult concepts for some, as evidenced by some tour operators' outright refusal to pay airspace fees mandated by Congress. Some operators significantly underreported the number of aircraft and flights, which caused glaring inaccuracies in the computer model and wasted a huge amount of time at taxpayer expense. This shows a contempt for Congress, for the National Park Service, and for the Grand Canyon over which they fly for profit. Yet the FAA accepts with a shrug the lies and the arrogance, proposing to increase the number of aircraft allowed to fly over the Canyon by almost double.

We must develop a national policy to protect our national parks and wilderness areas from the intrusion of aircraft noise. The National Park Service, not the FAA, should have the authority to determine whether or not air tours are appropriate in individual park units, such as Rocky Mountain. This national policy should direct the FAA to focus purely on safety, leaving resource decisions to the National Park Service.

I spend weeks at a time rowing boats through Grand Canyon. We actually spend very little time in rapids. Most of the time we float through quiet stretches of river or explore narrow, secluded side canyons. In these areas, natural ambient sounds are astonishingly low. The sounds of the river and Canyon are an important part of the experience. We quietly listen to the call of a canyon wren, the trickle of a small stream, a light breeze through a cottonwood, the murmur of the river, or the frustrated shriek of a falcon who just missed his lunch. These experiences are violated, and Grand Canyon cheapened by the increasing onslaught of mechanized sound from the air.

STATEMENT OF ALAN GARDNER, COMMISSIONER, WASHINGTON COUNTY, UTAH

My name is Alan Gardner. I am a Commissioner from Washington County, Utah. I appreciate the opportunity to give my thoughts at this hearing on aerial flights over the national parks.

My wife and I made our first visit to Bryce Canyon National Park this last September. We enjoyed the beauty of inspiration and Bryce points. I was completely unaware of a helicopter flying over until my wife pointed it out. While we were there, another helicopter and one airplane flew over. They moved quickly through the area with very little noise.

As we looked off these points, we could see many trails through the canyon. There were several groups of hikers using the trails. My experience at Bryce Canyon was not disturbed any more by the air traffic than it was by the hikers.

I have visited Zion National Park many times over the years, and I have hiked numerous trails and developed a deep appreciation for its beauty.

This past spring I had my first experience in flying in a helicopter in the northeast area of the park while monitoring a forest fire.

Looking at Zion from the from the ground up is beautiful, but looking into some of the canyons from the air was a fascinating new experience.

There are many senior citizens, handicapped individuals, and those who do not enjoy hiking who visit our national parks. Are they to be denied these beauties? It is like going to see the works of a famous sculptor and being told you had to look from a distance and only from one angle.

If we allow extremists to stop the flyovers, we will be back in time having hearings on closing all trails to hiking as well.

Thank you.

SkyWest AIRLINES

Introduction for Jerry Atkin
REMARKS

I am Jerry C. Atkin, Chairman and President of SkyWest, Inc., a publicly held Company whose stock is traded on the National Exchange. SkyWest operates as SkyWest Airlines – the eighth largest regional airline in the United States – and as Scenic Airlines, Inc. – the largest air tour operator in the United States. I have been president and/or chairman of these companies or their predecessors since 1975 when I was 26 years old or 22 years ago. These companies have been built on the basis of quality to our customers, our 2,500 employees, our stockholders and the communities in which we operate. You will not find a more responsible and more quality operation than SkyWest and Scenic.

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SkyWest AIRLINES

PREPARED STATEMENT

Overview of SkyWest Airlines, Inc. SkyWest Airlines operates scheduled airline service to 40 cities in 12 western states and Canada. We operate nearly 700 departures daily, primarily out of the Salt Lake City, Utah and Los Angeles, California hubs. We have "codesharing" relationships with Delta Air Lines, Inc., United Airlines, and Continental Airlines. The codesharing arrangement makes it easier for passengers and freight to connect between SkyWest and our major partner and provides an extension of the major airline service to cities that do not warrant direct service from them. In addition, SkyWest supplements a number of markets already served by the major airlines. We are the eighth largest regional airline in the United States, were incorporated in 1972, negotiated the rapids of deregulation in 1978 and flourished as a result thereof. We operate 60 aircraft in scheduled service, including ten 50-passenger jets and 50 of the most modern, efficient and comfortable turboprop aircraft built today. We employ 2,200 professionals at SkyWest and demonstrate the highest quality of operations found.

Overview of Scenic Airlines, Inc. Scenic Airlines is the result of combining air tour operations in the Grand Canyon that have roots back to the 1920's as well as an air tour operation that began as Lake Powell Air Service in Page, Arizona at Lake Powell. Scenic Airlines has over 300 employees and operates 18 19-passenger Vistaliners, (modified Twin Otter aircraft), that are among the best sightseeing aircraft available and unquestionably the quietest aircraft operating in the Grand Canyon today. These aircraft operate primarily out of Las Vegas where our customers are picked up at their hotel in motor coaches and whisked to our departure point at North Las Vegas Airport. They then enjoy an air tour of the otherwise unvisited part of the Grand Canyon enroute to the South Rim of the Grand Canyon. The Grand Canyon visitors enjoy a ground tour of the South Rim and return by aircraft to Las Vegas in the afternoon. Scenic is the largest air tour operator in the Grand Canyon, carrying approximately 160,000 passengers to the Grand Canyon last year - equaling approximately 36 percent of all visitors to the Grand Canyon from Las Vegas in an air/ground tour combination. The quiet aircraft technology modification to create the Vistaliner aircraft is at substantial expense - $650,000 per aircraft. The modified aircraft exceeds all standards for quiet aircraft technology today. Scenic Airlines, Inc. has made this investment and operates the "quiet aircraft technology" thus increasing the quality experience of visitors on the ground as well as in the air. These aircraft are operated in accordance with SFAR-50, instituted some ten years ago, achieving the greatest improvement to date in diverting noise away from visitor locations while allowing a continuation of meaningful air tours over parts of the Grand Canyon less visited. Scenic is interested in further refinements that improve the visitor experience not only on the ground, but through meaningful air

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tours under regulations that promote and favor investment by operators in quiet aircraft technology.

Quiet Aircraft Technology. Scenic Airlines, Inc. has invested $650,000 per aircraft in its 18 aircraft that make the Vistaliner the quietest aircraft operating in the Grand Canyon today. Unfortunately, there are no preferred air tour routes or incentive of *any* kind to support a payback of the $11.7 million investment in quiet aircraft modifications. The passenger capacity of the Vistaliner requires fewer operations to carry more visitors and has a much lower noise output to those visiting on the ground. A version of the earlier proposed regulations that allow continuation of a preferred air tour route to the less visited part of the Grand Canyon as well as a staged timing that would require all aircraft to meet quiet aircraft requirements in order to operate in the park. We suggest that the Vistaliner and similar modifications to other aircraft that would result in quiet aircraft technology should be seen as a tool to improve the visitor experience for air and ground tours. Along with refinement of the SFAR-50-2 arrangement that has currently been effective, a balance can be achieved. Scenic and its aircraft are the right solution at the right time and should not be painted with the broad problem brush of other noise that still exists in the Grand Canyon. From my personal experience during numerous visits to the South Rim of the Grand Canyon, the SFAR regulations as well as the quiet aircraft technology currently being used are producing virtually no audible sound where 90 percent of the visits are made to the Grand Canyon.

Natural Quiet should be Achieved from a Visitor's Perspective – NOT a Squirrel or a Rock. Natural quiet from a visitor's perspective can and is being achieved by our Vistaliners through the investment in quiet technology as well as the routings provided under SFAR-50-2. Under such regulations, it is possible to maintain a beautiful and grandiose air tour in parts of the Grand Canyon virtually unvisited by humans. Defining natural quiet from a squirrel or a rock's perspective would require eliminating air tours of the Grand Canyon as we know them today and would have virtually no positive impact from the visitor's perspective of the Grand Canyon. This Committee should develop natural quiet objectives defined from a visitor's perspective and use the air tour operators, the technology available and efficient and demonstrative tour routes that accomplish these objectives in an appropriate balance.

The FAA Should Continue to Manage Air Routes in the U.S. – NOT the Park Service or Others. The FAA is an *experienced* agency of the Federal Government that has been charged with managing airspace and should continue to have that responsibility in its entirety in the United States. Turning over the management and control of airspace in National Parks may seem appropriate given well-meaning park superintendents. However, the risk is too great in turning over airspace management

to a federal agency without experience or expertise in this area. There is concern that at some time this airspace may be controlled by park superintendents or others who would not have the proper balance of safety, utility of airspace and natural resources as well as the interest of the parks and other federal lands in the proper and equalized perspective. I am very concerned that other federal agencies managing federal lands would likewise see an opportunity to grab the ability to control, protect, manage, etc. airspace over their land and/or collect fees that could put the *entire* air transportation system of this country in an inefficient and ineffective mode. From an airline perspective, I have observed the maps that show all the different parks, federal lands, forest service, etc. throughout the Western United States. Frankly, it is frightening to think of the potential ways in which airline service could be diverted and charged with fees in uncountable locations in the West. If such control was allowed those who mange the parks and federal lands, why wouldn't the property owners then want to get in on the act. The best air transportation system in the world – that of the United States – must have reasonably free use of airspace governed by one agency – the FAA. My observation has been at the South Rim that the higher altitude aircraft produce as much audible sound as the air tour operators do. The idea that the Park Service can manage all aspects of airspace except for safety is ludicrous. Tradeoffs are made in managing airspace between safety and utility daily. One simply cannot be disconnected from the other. Certainly the Park Service and other federal lands should have a meaningful say in the FAA's management of the airspace related to them. This Committee should speak very loudly on insuring that the FAA's charter to manage airspace in the United States as it relates to aviation not be abdicated nor parceled out in any way to the Park Service or any other federal agency that could reduce their overall ability or expertise in carrying out their charter as currently mandated.

Recommend Balanced Approach of Building on What Has Been Achieved in Improving Visitor's Experience to the Grand Canyon. Scenic believes that a cooperative effort should be made in achieving improved visitor experiences in the Grand Canyon and other national parks and should use the tool of quiet aircraft technology to achieve that. Quiet aircraft technology needs to be given preferred routes and preferred quality and financial advantages or mandated to be the only aircraft that can operate over the parks. Substantial quiet has been achieved by our modified aircraft and the current SFAR routes through the definition of natural quiet from a visitor's perspective. Scenic could be used as a model of how to achieve enhanced visitor experiences at the parks and not be a casualty of solving other problems that occur within or outside the air tour industry. We stand willing to cooperate with fair management of the airspace over the national parks with the FAA continuing to be responsible for airspace management taking into account the needs of all.

STATEMENT OF BONNIE LINDGREN

Chairman Hansen, Chairman Duncan, and members of the committee, thank you for the opportunity to present testimony about our company, Redtail Aviation, our operation of air transportation and air touring over southeastern Utah, and the management and control of airspace above national parks. Redtail has been in existence since the late 1970's; my husband and I began working at Redtail in 1987 and purchased the company in 1990. Our primary business is air transportation services for local river companies. We fly guests from civilization to backcountry landing strips and from the end of their river trip back to civilization.

A second type of operation within our business is air touring. We fly visitors over Canyonlands National Park (approximately 630 in 1997), Monument Valley Navajo Tribal Park (approx. 200), Capital Reef National Park (approx. 170), and Escalante/Grand Staircase National Monument (less than 10 for this first year). In all, we fly roughly 1000 air tour visitors over the area each year and transport a total of 10,000 people with all our various operations.

I am to explain our operation and how Senate Bill 268, introduced by Arizona Senator John McCain, as well as the preliminary agreements of the Aviation Rulemaking Advisory Committee (ARAC) working group will affect us. Before I can do that, I must express that I am currently under contract with the NPS. My job is to be the lead person in fulfilling the April 1996 presidential directive to create educational and other materials that describes to park visitors the value of natural quiet, the need for cooperation with the aviation community, and the value of air tours in some national parks. As a result, I have a better understanding of their position on overflight issues, to include the issue of natural quiet as a resource.

Overlying all my thoughts about the where's and why-fore's of NPS is my continued bafflement about quiet as a natural resource to be preserved. To my mind, only NPS sees it that way. The Act that creates each park also states what those parks are to be managed for. Some are for scenic vistas, some for cultural and historical heritage; some are for their wilderness value. I don't think any were created to specifically or unilaterally preserve natural quiet. Quiet is something that people may or may not notice, which is my paraphrase of a statement in Section 2.2.3 of the Executive Summary of the Report to Congress about the effects of Aircraft Overflights, which is fully stated as "... visitor judgement of the importance of natural quiet varies, probably as a function of the type of visitor, and his or her activity, and hence, from the visitor perspective, natural quiet is not equally important in all locations or for all visitor activities (a position not necessarily shared by park managers)". The NPS has determined that quiet is a resource. I don't agree with that position. My belief is that NPS is defining it as a resource so they can better control the airspace over national parks. I believe the only rational criteria for dealing with the issue of aircraft overflights is to base all judgements on impact on visitors, wildlife, or cultural resources.

Having said that let me also bring to light the visitor of national parks. According to NPS statistics, most visitors are between the ages of 25-35 or 60+. Most visit parks for less than four hours and come to parks in groups of two to four people. In reviewing some of the Visitor Service Project evaluations (which are surveys conducted at specific parks over a wide variety of topics), visitors are not finding fault with aircraft overflights. Canyonlands had this project completed in 1990. There were 399 visitor groups representing 1019 visitors surveyed and two responders volunteered comments about "ban military/scenic overflights". That equals a visitor-reported negative impact of 0.5%. Incidentally, there were around 480 visitors surveyed at Bryce Canyon and 10 made comments about their frustration with helicopter flights (a 2%

impact). At Grand Canyon in 1995, five million people visited the park and only 26 written complaints regarding aircraft overflights were received but there is no evidence that any of those complaints were directly related to air tours. The point is this: visitors are not expressing negative impact.

Fundamentally, it is important to stop comparing Grand Canyon air tour operations with other national park air tour operations. No other park is similar to Grand Canyon. No other park in the continental United States has or likely will ever have the volume of air tour activity of the Grand Canyon. Frankly, the extreme elements of the environmental community use the Grand Canyon as a scare tactic at other parks. NPS decided that the Southeast Utah Group of parks (Canyonlands, Arches, and Natural Bridges National Monument) belonged on the NPS priority list for preservation of natural quiet. Originally, the Superintendent Walt Dabney wanted flight-free parks; recently he told Congressman Cannon and I that he "didn't mind so much to volume of flight activity right now; he just didn't want it to get to the levels that are at Grand Canyon." In my opinion, we will never get close to the 800,000+ annual visitors that take aerial tours there; in fact I think it will be decades before we get to 10,000 air tour visitors per year.

The McCain proposal, S.268, is frightening because it transfers from the FAA to the NPS the jurisdiction to regulate the airspace above those parks with the exception of air safety. Since I already know our current Superintendent wants no or few flights, I think it is safe to assume we will have great difficulty in achieving a fair and balanced flight structure. The preliminary ARAC agreements, as I understand them, seem to be far more fair to the air tour operator than S.268, though I have concerns about the way the process will work. My understanding is that Air Tour Management Plans will be developed at each national park which has air tour activity. The plan would be developed by a group, which includes NPS and environmental members plus the air tour company, and it is unlikely the "votes" will ever be balanced. The point is, if NPS is permitted to control airspace over national parks, particularly the parks over which Redtail flies, it is more than reasonable to assume that in short order my air tour business will be extinct.

Regarding quiet aircraft technology, I wish to offer two positions. First, we have a fleet of 10 single-engine Cessna aircraft with an investment of $600,000 and can carry up to 47 passengers at one time with our entire fleet. In order to get that type of seating capacity in either a Caravan or Twin Otter aircraft mix, we will have to invest more than $5.5 million. I can assure you the banks would never agree to that size of a loan for our small operation. Secondly, our typical passenger load for the air tours is two guests. Nearly 80% of our flights are conducted for groups of two people and it is not economically feasible to put only two people in a large aircraft. Further, there are no quiet aircraft technology alternatives to the single engine aircraft we currently fly.

The understandings being negotiated within the ARAC process seek to find a middle ground between all interests and are intentionally supportive of cooperation between the air tour industry, the environmental community, the FAA and the NPS. Of personal concern to me are the point-to-point transportation flights that are conducted above parks. We fly 4,500 passengers from Hite airstrip, on the north end of Lake Powell, to Moab, Utah or Grand Junction, Colorado. All of these flights cross the longitude of Canyonlands National Park. Our aircraft, when fully loaded upon departure from Hite on a typical summer day, would not likely be able to reach an altitude above that which may trigger new requirements on those flights conducted purely for air touring. How will NPS look upon these flights with respect to an Air Tour Management Plan? How will they know if we are conducting an air transportation flight or

an air tour? Air transportation has long served the United States as an efficient and affordable means to get from one place to another. It would be a shame to have flight over national parks inhibit or restrict the historical services provided by air transportation.

In conclusion, I wish to express that the services we provide, both in air touring and air transportation, give not only great personal satisfaction but provide jobs for local workers in two communities and offer a very environmentally sensitive means of viewing our area from above (the red-tailed hawks' perspective). I am not opposed to additional requirements so long as they are fair, balanced, reasonable and directly related to impact on visitors. Thank you for allowing me to present testimony; I offer myself available to help in any way possible to achieve a resolution of this issue.

Chairman Hansen, Chairman Duncan, thank you for this opportunity to testify on behalf of Clark County, Nevada and the Clark County Department of Aviation. Clark County feels we are at an important crossroads in the evolution of airspace management. Only through a proactive and comprehensive effort can the interests of all parties be understood and, to the extent possible, accommodated through a new set of Federal Aviation Administration rules and regulations covering the overflight of sites with significant scenic, cultural and historic value.

As an airport sponsor, Clark County operates six airports, including the three airports which generate about 80% of all Grand Canyon National Park air tours. These are McCarran International Airport (the ninth busiest airport in the country), the North Las Vegas Airport (a reliever airport to which most of the Grand Canyon air tour operators have relocated), and the recently acquired Henderson Executive Airport.

Nearly one-half a million people enjoy the unique and safe experience of the Grand Canyon through an air tour originating at a Clark County airport. These visitors are likely the most environmentally-neutral of all those who come to experience the Canyon. Air tour passengers do not contribute to the significant roadway congestion, air quality, crime, and waste management problems which are increasingly demanding more and more of the

Park Superintendent's resources.

I am before you today, because it is critical that primary airspace jurisdiction remains in the hands of the Federal Aviation Administration (FAA), with federal and state land managers acting only in an advisory role. This, the Department of Aviation believes, is essential for several reasons:

1. Primary Federal Aviation Administration jurisdiction of the airspace protects system-wide aviation safety.

2. Primary Federal Aviation Administration jurisdiction promotes and preserves the efficiency of system-wide airspace utilization.

3. Primary Federal Aviation Administration jurisdiction protects our citizens' commercial air transportation interests.

4. National Park Service (NPS) administration of the airspace over the Grand Canyon, or any Park Service unit, would balkanize airspace over the United States among the federal agencies (Transportation, Interior, Defense, etc.) and potentially other non-federal parties that can show similar interests , *such as* Native Americans and State land managers.

5. Only the Federal Aviation Administration has the needed expertise in airspace management, aviation-related noise issues and aircraft technology to address comprehensively the overflight issue. Nonetheless, Clark County believes that the National Park Service, and other interests, should have an important voice in the FAA's airspace decision process.

The Clark County Department of Aviation and the Grand Canyon Air Tour Council mutually agree that Federal action to address the impacts attributable to overflights should be based upon the following principles:

1. Quiet technology aircraft can and should be the focus of restoring natural quiet to the Grand Canyon National Park and other Park Service units.

2. As an incentive for the air tour industry to convert their fleets to quiet aircraft, economically-viable air tour routes with a high scenic quality need to be made available for use by operators employing quiet technology aircraft.

The Department of Aviation believes future legislation, while keeping the airspace over all national parks under the control of the Federal Aviation Administration, should focus on establishing incentives for the increased use of quiet aircraft. In the past, proposed rulemaking actions have established a single set of Flight Free Zones (and presumably caps and curfews) for all aircraft types, regardless of their associated noise levels. This one-size-fits-all approach unfairly penalizes operators of quiet aircraft, which have a smaller noise "footprint," and therefore should be allowed a broader operational profile. The current Notice of Proposed Rulemaking provides no incentive for operators of noisier aircraft to accelerate their investment in quiet technology, since they would derive no marketable benefit from doing so. Rewarding low noise aircraft owners is a "win-win" option the FAA and NPS must further analyze.

Clark County was an early proponent of the use of "incentives" to encourage the operation of quiet technology aircraft in Grand Canyon National Park. A significant study, undertaken and funded by the County, includes a detailed analysis of the actual noise impacts produced by southern Nevada-based air tours. I want to stress that the scope of our studies was limited to determining how much noise is caused by *southern Nevada-based tour operators* (almost all of which fly fixed wing aircraft--not helicopters--and transport the majority of all air tour passengers on quiet technology aircraft).

Based on empirical measurements of Grand Canyon National Park aircraft noise levels, Clark County believes the National Park Service and the Federal Aviation Administration's approach to characterizing the noise contribution of air tour aircraft is fundamentally flawed for the following reasons:

1. In their aircraft noise computer modeling, these federal agencies have used aircraft certification data, which automatically assumes the aircraft is at maximum takeoff weight and maximum operating speed. This is not the case for air tours in the Grand Canyon, or over any other scenic attraction, because tour aircraft are deliberately flying slower to enhance viewing opportunities for their passengers.

   When flying at slower speeds, aircraft make less noise. Actual noise monitoring, conducted at Hermits Rest in the Grand Canyon, indicated the FAA and NPS, by using aircraft certification data, have over predicted aircraft noise by as much as eleven decibels. Clark County's consultant has conducted noise measurements on three separate occasions and has, on each occasion, produced similar results.

Surprisingly, the highest levels of noise measured were from non-air tour sources such as automobiles, wind, and the overflights of commercial, military and NPS aircraft. In fact, it was very difficult to even measure the noise created by quiet technology air tour aircraft such as the Dehaviland Dash-6 Twin Otter.

2. When the FAA and NPS are talking about natural quiet, they assume a background noise level of about 20 decibels. Such an ambient noise level would only occur at the Grand Canyon in the early morning hours, when air tours are not typically flying. An actual background noise level, such as that which occurs during daylight hours, is about 40 decibels. This is one hundred times more noise than used by the FAA and NPS. Their 20 decibel assumption introduces biases into the noise analysis and has ensured their findings are not representative of the actual noise impacts from air tour operations.

Due largely to the National Park Service's desire to push for further noise reductions, the Federal Aviation Administration has not, as yet, reasonably balanced the interests of safety, quiet, economic benefit and air visits. This, despite the fact that both FAA and NPS have acknowledged that providing quality air tour experiences and promoting aviation safety are key statutory objectives, and that the Congress did not intend for air tours to cease. Such a course of action has lead to what may be the most significant failure of the FAA/NPS regulatory process so far. We believe we speak for the aviation community as a whole when we decry the FAA/NPS failure to look for and analyze alternatives which could achieve noise benefits similar to those being proposed

but without the adverse impacts on regional tourism or the compromising of aviation safety.

For example, if the FAA and NPS were to cease using aircraft certification data for their noise modeling and actually measure, as we did, the noise associated with air tour aircraft in the Grand Canyon, they would find that *at least* 50 percent of National Park already lacks audible air tour-related aircraft noise for at least 75 percent of a 12-hour day. By the way, 50% of Grand Canyon National Park lacking audible air tour aircraft noise is the definition of "Substantial Restoration of Natural Quiet" as employed by the FAA and NPS. With the accelerated use of quiet technology aircraft, we are confident the air tour industry can achieve, in the foreseeable future, the Grand Canyon Trust's desire that least 50% of the Park will experience a complete absence of audible aircraft sound (except for Park Service, air carrier and military overflights).

Southern Nevada and Southern Utah have been asked to bear the overwhelming majority of the adverse economic and social impacts which would have resulted from the previously proposed restrictions on air tour operations in the vicinity of the Grand Canyon. An economic impact study conducted by the Center for Business and Economic

Research at the University of Nevada Las Vegas concluded that total annual expenditures by Grand Canyon tourists amounts to $443.5 million dollars. Of greater importance to the region is the study's conclusion that with implementation of the previously proposed air tour operational restrictions, 106 foreign tourists per day would not come to the United States. The result would be an annual economic loss of $100 million or more. This impact on the economy of the Southwest, and indeed to our nation's international balance-of-payments, has received little or no federal agency acknowledgement throughout the rulemaking process.

The FAA and NPS mischaracterization of the noise and economic impacts associated with the proposed restrictions in the Grand Canyon is not as significant as the potential safety issue associated with the compression of air traffic. As the Members of the House may be aware, this safety issue has been discussed as part of the previous rulemakings that were proposed. We think it is significant to point out that the National Transportation Safety Board (NTSB) publicly commented on the original proposal to change the air tour routes associated with the new flight free zones. The NTSB concluded, at that time, that to compress air traffic in the Grand Canyon into a time

restrained, compact corridor--devoid of the ground reference landmarks that were previously available for area navigation--would create a very unsafe situation.

In conclusion, let me state that as we strive to increase tourism to Southern Nevada, we have found that, to be effective, we really need to market the entire desert southwest tourist experience, not just Las Vegas. We can be much more effective if we market Las Vegas along with the Color Country of Southern Utah, combined with the scenic wonders of the Grand Canyon in Arizona. When people come to Las Vegas, they don't just want to visit "The Strip," they want to visit Zion National Park, Bryce National Park, Arches and the Grand Canyon. Unless these tourists travel by air, they will not have the time to visit all they want to within the region, and consequently we will lose tourists to other countries.

If the FAA and the Park Service are genuine in their efforts to fashion a rule which will help accomplish the objective of restoring natural quiet with the least adverse impacts, we are willing to sit down with them and the Congress, to discuss alternatives and amendments to the proposed rule. If they proceed, however, with this "damn the torpedoes, full speed ahead" regulatory approach, these agencies will confirm what many

here in the Southwest already believe. Namely, that the whole process is not really about restoring natural quiet at all. Rather, it is a thinly disguised effort, led by the Park Service encouraged by environmental groups, to reduce "visitation days" at the Park by preventing some portion of the nearly half a million tourists who rely upon Southern Nevada's air tour operators, from seeing the Park's scenic vistas. And if that is true it is an international disgrace. Thank you.

Federal Monies awarded to Clark County since October 1, 1994

Funding Source: Federal Aviation Administration's Airport Improvement Program

Date	Airport	Project	Description	Amount
09-30-97	Mesquite	3-32-0037-01	Dev. an Aprt. Site Sel./Mst. Plan/Environ. Assess. for a new comm. ser. airport in Mesquite, NV	$281,250.00
09-30-97	HEA	3-32-0027-05	Acq. a portion of Henderson Sky Harbor Arpt (approx. 68 acres of Parcel 191-02-201-001).	$3,775,882.00
09-30-97	Overton/Perkins Field	3-32-0014-02	Recnst Rwy 13/31; cnst. parallel Txwy A , inc. drainage, lighting, sign and marking.	$1,500,000.00
09-30-97	MIA	3-32-0012-38	Acq. Ind. appch. pro. Rwy 19L, approx. 5 ac/Rwy. 7R/25L approx. 8 ac. inc. reloc. & site clmce	$7,000,000.00
09-23-97	MIA	3-32-0012-37	Const. a prtn. Rwy. 1L/19R upgrade, inc. parallel txwy sys. dmage, lighting, signage PFC marking	$3,389,000.00
09-23-97	MIA	3-32-0012-36	Acq. land approx. 14 acres for airport dev.;a portion of 2 parcels consisting of 61 acres	$3,055,838.00
09-23-97	MIA	3-32-0012-34	Acq. land for noise compatibility Rwy. 1L/R & 19R/L approx. 4 acres, inc. reloc. and demo.	$3,000,000.00
09-16-97	MIA	3-32-0012-35	Acq. land for approach zone, Runway 1R/19L a portion of approx. 2 acres of a 10 acre parcel	$1,055,255.00
09-16-97	NLVA	3-32-0010-13	Acquire land for approach protection Runway 30, approx. 19 acres.	$500,000.00
09-30-96	MIA	3-32-0012-33	Cnst. a prtn. Rwy. 1L/19R upgrade, incl. parallel txwy. sys. drain. lighting, signage PFC marking	$4,164,562.00
09-03-96	MIA	3-32-0012-32	Cnst. a prtion of Rnwy 1L/19R upgrade, inc. parallel txwy sys., dmage, lighting, signage, mking	$536,667.00
09-03-96	MIA	3-32-0012-31	Acquire land for noise compatibility, Runways 7L/R & 25L/R, 18.95 acres	$3,000,000.00
09-03-96	NLVA	3-32-0010-12	Acquire land for approach protection Runway 30, approx. 14.6 acres.	$383,697.00
09-03-96	HEA	3-32-0027-04	Acquire a portion (Phase 2) of Henderson Airport approx. 90 acres.	$5,000,000.00
03-19-96	MIA	3-32-0012-17 Amend. #1	Acquire ARFF vehicles (2) including snozzel, radios and equipment.	$774,750.00
09-29-95	HEA	3-32-0027-03	Acquire a portion of airport property, total approx. acres 158.	$5,940,000.00
09-19-95	MIA	3-32-0012-21 Amend. #1	Land Acq. for Noise Compatibility Runway 7L/25R (ref. Original Grant)	$93,552.00
09-08-95	NLVA	3-32-0010-11	Rcnst. north apron & marking; acq. land apprch zone trnstnl area approx. 3.12 ac.	$3,000,000.00
09-05-95	MIA	3-32-0012-30	Const. a portion of Rwy 1L/19R upgrade	$7,077,691.00
06-20-95	MIA	3-32-0012-29	Acq. land for noise compatibility, Rwy. 1R/19L total approx. acres 19.4, inc. reloc. and demo.	$5,000,000.00
02-07-95	NLVA	3-32-0010-06 Amend. #1	Cnst. cost overrun (reloc. of ent. rd, apron const. & slurry seal app. on apron.)	$185,943.00
02-07-95	MIA	3-32-0012-28	Rwy/Txwy. recnst.;cnst. Rwy. 7R/25L assc. txwy sys/mking/lightng/dmage;lnd acq.;apr. exp. off-gate carrier prkng apr;	$3,777,594.00
			TOTAL	$62,491,681.00

STATEMENT OF

STEVE BASSETT, PRESIDENT
UNITED STATES AIR TOUR ASSOCIATION (USATA)

TO

UNITED STATES HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON NATIONAL PARKS & PUBLIC LANDS

HONORABLE JAMES V. HANSEN, CHAIRMAN

&

UNITED STATES HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON AVIATION

HONORABLE JOHN DUNCAN, CHAIRMAN

JOINT OVERSIGHT FIELD HEARING
AIRCRAFT OVERFLIGHTS OF NATIONAL PARKS

DIXIE COLLEGE
ST. GEORGE, UTAH

NOVEMBER 17, 1997

I would like to thank Chairman Hansen and Chairman Duncan for your leadership in holding this oversight field hearing today. The issue of national park overflights is sensitive and politically charged and requires firm leadership and vision if we are to develop national policy which strikes a balance between the needs and requirements of all park users.

We appreciate the opportunity to present our views on this issue and look forward to responding to your questions.

Our statement will focus on four basic areas – (1) air touring is a legitimate way for visitors to tour national parks; (2) ground and air tourists can coexist peacefully; (3) other legislative proposals such as S.268 do not represent the best alternative to address the issue of overflights; and, (4) there is a better more balanced alternative being crafted by the Aviation Rulemaking Advisory Council (ARAC) National Park Overflights Working Group.

First, some background.

The United States Air Tour Association (USATA) represents the interests of more than 60 air tour operators and allied companies nationwide. Our membership includes all of the major air tour providers in the continental United States as well as Alaska and Hawaii. USATA members fly more than half of the air tour passengers and make more than half of the air tour flights in the U.S.

Our members also have a significant economic impact on the local economies in which they provide service as well as nationally. A recent study by the University of Nevada at Las Vegas (UNLV) indicates the positive economic impact of air touring on the Southern Nevada economy alone to be in excess of $270 million.

Perhaps a brief overview of the air tour industry would be useful.

OVERVIEW OF AIR TOUR INDUSTRY

• Air tour operators in the U.S.	275
• Aircraft (Helicopter & Fixed Wing) used to provide air tours	962.5
• Economic investment in aircraft and equipment	$481.25 Million
• Annual air tour flights	285,714.28
• Annual air tour flying hours	428,571.42
• Air tour industry employees	3,000
• Economic impact of air touring in the U.S.	$625 Million
• Annual air tour passengers	2 Million
• Domestic air tour passengers	40% (800,000)
• Foreign air tour passengers	60% (1,200,000)
• Under 15 yrs old/over 50 yrs old air tour passengers	30% (600,000)
• Handicapped air tour passengers	12% (240,000)
• Air tour passengers choosing air tours for health-related reasons	20% (400,000)
• Accidents per 100,000 hours flown	1.9
• Safety/proficiency standards for USATA members	FAR Part 135
• Environmental impact of air tours on the ground	None

As you can see, air tourism provides a legitimate way for many visitors to experience national parks and other areas and also provides an important opportunity for disabled persons to view our nation's treasures.

The air tour industry, while perhaps not the largest segment of aviation in the U.S., nevertheless is a significant part of the air transportation and travel and tourism industry in the country.

To give you some indication of the dedication most air tour providers have toward conducting business in a professional and responsible manner, each USATA member, as a condition of membership, agreed to abide by a Code of Conduct which we would like to share with members of these two committees.

USATA-MEMBER AIR TOUR OPERATORS 12-POINT CODE OF CONDUCT

The mission of the air tour industry in the United States is to provide visually appealing, enjoyable, and satisfying aerial tours of America's scenic treasures in a safe, secure, reliable, convenient, comfortable and educational manner.

USATA-member air tour companies shall always:

1. Conduct air tours professionally and responsibly.
2. Maintain the highest industry standards of aircraft safety and pilot qualifications and proficiency.
3. Fly aircraft – fixed wind and rotorcraft – as quietly as possible commensurate with safe operating practices and procedures.
4. Operate aircraft in a way which promotes passenger comfort, enjoyment, security and satisfaction.
5. Provide customers with an informative and educational air tour experience which serves to enhance knowledge, understanding and appreciation of America's physical beauty and our nation's cultural heritage and history.
6. Be sensitive to the wishes of other tourists who visit America's national parks and other scenic wonders on the ground and in the air.
7. Avoid flying air tour routes over areas where many ground visitors gather or areas where aircraft sound could be particularly disturbing to visitors.
8. Be environmentally conscious seeking to protect and preserve for future generations the environment and America's splendor and grace.
9. Conduct air tours in a manner which respects and protects wildlife as well as archeological, religious and historic treasures.
10. Provide quality customer service.
11. Work cooperatively with all segments of the community.
12. Always be good neighbors.

THE ENVIRONMENT

As you can see, members of the United States Air Tour Association place significant emphasis on doing business professionally and responsibly. Further, USATA members are extremely environmentally conscious and seek to avoid disturbing other visitors to national parks and other areas. This is true of our Arizona and Southern Nevada members flying at the Grand Canyon, Utah members operating over Canyonlands, Arches and Zion National Parks, Montana members flying at Glacier National Park, members in Hawaii flying over Haleakala and Volcanoes National Parks, Alaska members providing air tours at Denali as well as all of our other air tour members wherever they fly.

Sadly, many in the environmental community have sought to paint a far different picture of the air tour industry; a picture of companies largely uncaring of the environment or other tourists' enjoyment of the exquisite beauty of our nation's national parks and other areas, and an industry unwilling to work cooperatively with federal or state governments or local communities. Nothing could be further from the truth.

With respect to the environmental issue, the fact is that air tours offer tourists the most environmentally compatible way to view America's treasures.

Unlike ground tourists, air tours require no on-site infrastructure, fly well above and far away from ground tourists, and leave no burning cigarettes or other debris behind. Air tour passengers simply fly over an area, marvel at the sights below, listen to a professionally narrated description of the area which is both informative and educational, take a few pictures and return leaving no trace that they ever were there.

WORKING COOPERATIVELY

Consistently, air tour companies have demonstrated their desire to be good neighbors and work cooperative with others to structure operating procedures which are compatible with the wishes and desires of the National Park Service and the local community.

For example, Special Federal Aviation Regulation 50-2, in effect at the Grand Canyon since 1988, was a cooperatively negotiated set of standards and requirements designed jointly by air tour operators, National Park Service, Federal Aviation Administration, environmental groups and local interests. It created, through a negotiated process, new routes, altitudes and procedures for air tours flying over the national park. It was designed to ensure the safety of air tour passengers and reduce the aircraft sound impact on park visitors. Contrary to the claims of the National Park Service and many in the environmental community, SFAR 50-2 has been successful.

COOPERATION LEADS TO SUCCESS

As a result of Special Federal Aviation Regulation (SFAR) 50-2, substantial restoration of natural quiet has been achieved in significantly large areas of the Grand Canyon. Ninety two percent of park visitors report that they are not adversely affected by aircraft sounds, and back country park visitors report either seeing or hearing <u>only</u> one to two aircraft per day.

A 1992 study by the U.S. Forest Service concluded that *"Few adverse impacts to wilderness users were found resulting from aircraft overflights...it appears that many visitors do not notice aircraft even when they are present...aircraft noise intrusions did not appreciably impair surveyed wilderness users' overall enjoyment of their visits to wilderness nor reduce their reported likelihood of repeat visits."*

- Prior to implementation of SFAR 50-2, there were an average of 100 written complaints about aircraft sound per million park visitors.
- Following implementation of SFAR 50-2, the Park Service received an average of only eight complaints per million visitors.
- In 1993, only 56 total complaints were logged -- one out of every 88,000 visitors.
- In 1995, there were only 26 complaints out of more than five million park visitors about aircraft noise and there is NO evidence that the complaints were directed at air tour aircraft.

SFAR 50-2 reduced noise complaints by 92 percent according to surveys conducted by the National Park Service. And, there has not been one single accident or incident involving an air tour aircraft over the Grand Canyon since SFAR 50-2 went into effect.

In Hawaii, air tour operators and the National Park Service worked cooperatively to hammer out voluntary agreements to ensure air tour operational compatibility with ground visitors. The same is true in Alaska where voluntary agreements, negotiated between air tour providers and the National park Service, are in force and working extremely well.

Though some would like to paint the air tour industry as being uncooperative mavericks, the facts tell an entirely different story. And, when all sides of the issue are permitted *(read: encouraged)* to sit down together, there is every likelihood that reasonable people will be able to develop reasonable and balanced policy.

Three fundamental issues should be addressed when developing national policy regarding overflights of national parks. (1) Which federal agency has jurisdiction over the airspace in the United States, (2) how will the term "natural quiet" be interpreted, and (3) quiet technology.

Permit me to address each of those topics separately.

FAA MUST MAINTAIN JURISDICTION OVER AVIATION

Other legislative proposals such as Senate Bill 268 introduced earlier this year by Arizona Senator John McCain have taken a frightening approach to regulating air tours over national parks. That approach would strip the FAA of its long-standing jurisdiction to apply its professional expertise to the regulation of America's airspace and turn such jurisdiction and authority over to the National Park Service and individual park superintendents. Specifically, S.268 provides that the National Park Service shall make determinations regarding whether or not air tours shall be permitted over a particular national park, what routes and altitudes shall be flown and further provides that NPS also may identify no-fly zones, and shall place caps, curfews and bans on air tours operations. Notably, S.268 further mandates that the Federal Aviation Administration shall implement "without change" any regulations, requirements or restrictions deemed necessary by the NPS unless the NPS recommendations would adversely impact aviation safety. In a very practical sense, S.268 strips the FAA of its jurisdiction to manage the airspace over national parks and turns such authority over to the National Park Service. That is unprecedented in American aviation history.

The Air Commerce Act of May 20, 1926 was the cornerstone of the federal government's regulation of civil aviation. That landmark legislation was passed by Congress at the behest of the aviation industry which believed that the airplane could not reach it full commercial potential without federal action to improve and maintain safety standards. The Act charged the Secretary of Commerce with fostering air commerce, issuing and enforcing air traffic rules, licensing pilots, certificating aircraft, establishing airways, and operating and main-

taining aids to air navigation. These duties were entrusted to the Department of Aeronautics branch, later renamed the Bureau of Air Commerce.

In fulfilling its civil aviation role, the Department of Commerce initially concentrated on such functions as safety rulemaking and the certification of pilots and aircraft. The Department extended the nation's system of lighted airways, improved aeronautical radio communications, and introduced radio beacons as an effective aid to navigation.

In 1936, the Department assumed the important new task of air traffic control. Pioneer air traffic controllers used maps, blackboards and mental calculations to ensure the safe separation of aircraft traveling along designated routes between cities.

In 1938, the Civil Aeronautics Act transferred the government's civil aviation role from the Commerce Department to a new independent agency – the Civil Aeronautics Authority. That legislation also expanded Federal civil aviation responsibilities by giving the Authority the power to issue air carrier route certificates and regulate airline fares.

In 1940, the Authority was split into two agencies – the Civil Aeronautics Board (CAB) and the Civil Aeronautics Administration (CAA). CAB was entrusted with safety rulemaking, accident investigation and economic regulation of the airlines. CAA was responsible for the air traffic control system, airmen and aircraft certification, safety enforcement, and airway development. Both organizations were part of the Department of Commerce, but CAB functioned independently.

On the eve of America's entry into World War II, CAA began to extend its air traffic responsibilities to takeoff and landing operations at airports. The application of radar to ATC helped controllers in their quest to keep abreast of the postwar boom in commercial air transportation.

The approaching introduction of jetliners and a series of mid-air collisions spurred passage of the Federal Aviation Act of 1958. That legislation transferred CAA's functions to a new independent body – the Federal Aviation Agency. The Act took safety rulemaking from the CAB and entrusted it to the new FAA. It also gave the FAA sole responsibility for developing and maintaining a common civil-military system of air navigation and air traffic control.

In 1966, President Lyndon Johnson announced his intention to seek legislative authority for a new cabinet department that would combine all major federal transportation responsibilities. The move reflected the growing belief that such an organization could best meet the nations need for integrated systems and policies to facilitate the movement of people and goods. The result was the establishment of the Department of Transportation. FAA was renamed the federal Aviation Administration and became one of the several modal organizations within the new department.

While the FAA, over the years, has had its difficulties – the PATCO strike of the early 1980s and the national airspace modernization effort of the 1980s and 1990s as two examples – no government entity in the world has done more to improve the safety and efficiency of aviation than the FAA. The United States has the safest and most efficient air transportation system in the world. No other government entity outside the United States or within the U.S. federal government system has or could have the enormous success the FAA has achieved since its inception nor does any country in the world permit land managers to regulate its aviation system.

The Federal Aviation Administration is recognized as the federal government experts in the management of the national airspace system. FAA staff has been trained and has developed significant expertise in all aspects of airspace design and air traffic control and management. The United States Congress has charged the FAA with maintaining a safe and effi-

cient national air transportation system. To strip the FAA of its authority to accomplish its Congressionally-mandated mission would have a devastating impact on aircraft movements in the United States and significantly jeopardize the national economy as well as aviation safety. It would invite airspace management chaos over all public lands. There would be no way other federal land management agencies – BLM, U.S. Forest Service, Fish and Wildlife Service, etc. and all Native American tribes would not in short order insist that their agencies have the right to control the airspace over all of their lands as well.

Handing over to land management agencies within the federal government the authority to make decisions regarding aircraft movements makes about as much sense as handing over to the FAA authority to make decisions regarding the promotion and regulation of national parks, monuments and reservations as established in the Organic Act of 1916.

The FAA simply does not have the expertise to manage national parks, nor does the NPS have the expertise to manage aviation.

Under no circumstances should the FAA be eviscerated of its authority and jurisdiction to make final decisions regarding the safety and efficiency of the national air transportation system.

Therefore, simply put, Senate Bill 268 is not the answer.

LINKING AIRCRAFT NOISE TO IMPACT ON VISITORS

The air tour industry parallels the general opinions articulated by members of the Aviation Rulemaking Advisory Council (ARAC) Working group that, while air tours have a right to exist, ground tourists to national parks should have the opportunity to enjoy the natural sounds generated by singing birds, wildlife movements and the wind blowing through the trees. – the natural quiet.

Having said that, it is important that the issue of aircraft sound be linked directly to people – impact on visitors to national parks.

People are the important element in this equation – individual enjoyment of the scenic treasures America has to offer.

It is vital that any legislative approach to regulating overflights at national parks reflect the important relationship between the sounds of aircraft and the impact those sounds have on park visitors' right to experience natural quiet.

The terms "substantial restoration of the natural quiet or substantial preservation of the natural quiet and experience of the park" means eliminating the level and frequency of audible noise that interferes with the enjoyment of the park for a significant number of visitors or otherwise results in significant damage to wildlife, or natural or cultural resources.

In defining the terms "substantial restoration of the natural quiet or substantial preservation of the natural quiet and experience of the park", a balanced and fair approach to solving safety and noise problems in our national parks, taking into account all relevant factors including the benefits to visitors and to the environment of the activity causing the noise, and the availability of other locations within the park where natural quiet is available should be considered.

AIRCRAFT SOUND AND QUIET TECHNOLOGY

As mentioned previously, air tour operators have consistently demonstrated that air tours are the most environmentally compatible way to view America's scenic wonders. Air tour operators have also long demonstrated sensitivity to other environmental issues such as aircraft sound and have worked cooperatively with the environmental community, governments and others in support of air tour routes which remain well away from and high above areas of high concentrations of tourists and visitors to national parks and other areas.

Millions of dollars have been invested by air tour operators over the years in fixed wing aircraft and rotorcraft. Further, many air tour operators have sought either to purchase the quietest aircraft on the market or available at the time or have sought to modify existing aircraft with equipment to make their aircraft more sound efficient.

At the same time, new quiet technology aircraft continue to be designed and developed by aircraft manufacturers and operators for use in the national airspace system.

USATA enthusiastically supports new quiet technology initiatives which seek to develop more sound efficient aircraft, and applaud air tour operators who invest in quiet technology and who seek more noise efficient ways to fly aircraft and provide aerial tours.

USATA does not however support the disqualification, elimination or preclusion of any air tour aircraft from any national park or air tour route, public land or other area based on the aircraft's make, model, engine or equipment.

The perceived sound of aircraft is largely the product of piloting techniques, weather and other conditions. Pilots have the capability and responsibility to fly aircraft – fixed wing and helicopters – in a sound efficient manner.

USATA strongly believes that air tour operators should not be precluded from accessing routes or areas based on the equipment they fly, but should be permitted to demonstrate that they can fly their aircraft to accepted aviation industry and Federal Aviation Administration (FAA) established and monitored sound standards -- standards which are fair and reasonable and which are linked directly to impact on the highest concentration of persons who visit national parks and other areas. Visitor impact must be the foundation on which all air tour aircraft sound criteria with respect to national parks, federal lands and other areas is based.

As a matter of policy, USATA members will abide by the same aircraft sound standards imposed on all other forms of aviation in and around national parks and other similar areas and insists that the noise standards used to determine air tour aircraft sound impact also must apply equally to all other aircraft accessing such airspace – including aircraft operated by governments.

AVIATION RULEMAKING ADVISORY COUNCIL (ARAC)

If S. 268 is not the answer, what is? We believe a viable alternative to the provisions of S.268 are contained within the recommendations being developed by the Aviation Rulemaking Advisory Council (ARAC) working group addressing air tour overflights of national parks.

In May of this year, under the direct mandate of The White House, the federal government convened an Aviation Rulemaking Advisory Council (ARAC) working group to address the issue of air tours over national parks. The council, composed of nine members, was given a 100-day mission to make recommendations on new federal regulations on air tours at national parks. Four members of the working group represent various aviation interests – two are directly

involved in the air tour industry, four members represent various National Park Service and/or environmental interests, and one member represents the Native American community.

USATA has been deeply involved in the process since the beginning. I am an alternate member of the working group and have participated directly in a number of the sessions. While I can not speak on behalf of the ARAC Working group, I can discuss with some confidence the process the group has followed to date and the preliminary area where the working group members have agreed.

The working group has held numerous meeting sessions in Washington, DC and Denver, Colorado. With the exception of the first meeting, all meeting sessions have been open to the public and there has been a significant amount of public input into the process by all, interested parties to include the highest levels of the National Park Service and Federal Aviation Administration.

The members of the working group are to be congratulated for finding common ground in their collective quest to design and recommend to the Administration and Congress fair and equitable regulations for air touring over national parks.

USATA was admittedly skeptical of the process. We believed that finding common ground would be difficult. We must admit that we are pleased with the direction the working group is going and the progress they have made to date. That is both a tribute to the individual members of the working group as well as the constituencies they represent.

Significant is the recognition by everyone that air tours have a right to exist; that air tours represent a viable, meaningful and beneficial way for many tourists to see national parks.

Equally significant is the recognition by the members of the working group that ground tourists to national parks should have the opportunity to enjoy the natural sounds generated by singing birds, wildlife movements and the wind blowing through the trees.

With that as a starting point, both side have sought to design operating procedures for air tour aircraft that would satisfy the interests of all park users.

To date, the ARAC working group has discussed and generally agreed on a set of principles whereby air tour operators, National Park Service, Federal Aviation Administration, environmental groups and other local interests would convene in a planning process to identify the extent to which air tours at a particular national park would be compatible and how air tours would fit into the overall park picture.

The group also has generally agreed that, while it is important that a broad cross-section of government entities, users and the general public should participate in the planning process, it is imperative that the Federal Aviation Administration (FAA) maintain absolute jurisdiction over the management of the national air transportation system and retain total regulatory jurisdiction over aviation for both the safety as well as the efficiency of the system.

As a result, the working group has identified an existing method of regulatory control within the framework of the FAA known as operational specifications to ensure that all air tours conducted over national parks play by the same set of federal requirements. This method of regulating air tour companies also guarantees that FAA has an enforcement mechanism in place to discipline air tour companies which fail to abide by the rules.

While the work of the working group is not yet finished, the following represents the areas where working group members have thus far agreed.

Preliminary ARAC/NPOWG Areas of Agreement

1. The FAA maintains its authority over aviation safety and system efficiency and its jurisdiction over regulation of the national airspace system. The NPS shall have the responsibility and authority for determining the nature and extent of impacts on natural and cultural resources and visitor experience opportunities

2. Each unit of the National Park System where air tours are being conducted shall have an Air Tour Management Plan (ATMP).

3. The Air Tour Management Plan (ATMP) shall be developed cooperatively between the Federal Aviation Administration (FAA) and National Park Service (NPS). FAA shall serve as the "lead" agency. NPS shall serve as the "cooperating" agency. Native Americans may participate as a "cooperating" entity if they so desire. The ATMP shall contain incentives for quiet technology aircraft.

4. Complete public scoping sessions involving all interested parties shall be conducted as a prelude to the development of an ATMP. Appropriate Environmental Assessments or Environmental Impact Statements also shall be developed.

5. In making decisions regarding air tours at a particular national park, FAA and NPS shall consider the following:

- A park's existing General Management Plan,
- Natural quiet at a park where that is an appropriate concern,
- Diversity of visitor experience,
- Benefits of air tours,
- Ability of diverse populations to experience the park,
- Impacts on cultural events and values, wildlife, wilderness solitude,
- Protection of the sanctity of sites sacred to native peoples.

6. The findings of the scoping session and other processes will result in one of three possible determinations – (1) air tours are permitted, (2) air tours are permitted under certain conditions, or (3) air tours are prohibited.

7. All operators conducting commercial air tours below a specified altitude shall be required to hold a FAA FAR Part 135 operating certificate issued by the Federal Aviation Administration. FAA FAR Part 91 operators shall have reasonable time to obtain FAR Part 135 certificates.

8. Operation Specifications (OP SPECS), based on a park's ATMP, shall be attached to each commercial air tour provider's FAR Part 135 operating certificate defining routes, altitudes, stand off distances, frequency of flights and other conditions relating directly to operation of air tours at that particular park.

9. The FAA shall strictly enforce the terms of the ATMP by imposing administrative or civil sanctions against operators violating the terms of their FAR Part 135 certificate and operating specifications. Sanctions may include the entire range of FAA enforcement measures including revocation of the offending operator's commercial operating certificate.

10. Bona fide air tour providers currently operating at a park shall continue to operate under an Interim Authority arrangement which embodies current operating practices while an ATMP is being developed.

11. At parks where no air tours currently exists, none shall be permitted until an ATMP has been completed. The process of developing an ATMP at a park with no air tours begins when an air tour operator requests authority to provide air tours at that particular park.

12. To the extent that fees are charged for ground visitors, the ATMP may impose reasonable fees for commercial air tour overflights. The ARAC Working group, as suggested by the aviation industry, recommends that 80 percent of that fee remain with the management of the park at which the fee is imposed for use in any way the park management determines.

The United States Air Tour Association (USATA) agrees with these preliminary suggestions and believes this represents – not only the best approach to this issue – but the most reasonable and balanced way to provide for the needs and requirements of all park users. We urge the committees to develop a legislative approach to addressing this issue which embodies the areas of agreement outlined above.

Further, the American Recreation Coalition (ARC), an impressive group of organizations representing various aspects of the recreation industry, recently sent a letter to Interior Secretary Babbit and Transportation Secretary Slater signed by each of those organizations including USATA supporting the ARAC process as a consensus approach to striking a balance on the overflight issue. Organizations in the coalition include the Air Access Coalition, Alaska Professional Hunters Association, American Motorcycle Association, International Snowmobile Manufacturers Association, National Association of RV Parks and Campgrounds, National Marine Manufacturers Association, National Park Hospitality Association, National Tour Association, Personal Watercraft Industry Association, Recreational Vehicle Industry Association and Western States Tourism Policy Council.

The ARC letter also sounded a warning saying -- "*...We are concerned with some indications that the National Park Service...may be withdrawing its commitment to the ARAC or may be considering a legal challenge to aspects of the working group's final recommendations – specifically the FAA's authority to manage (regulate) the airspace above national parks...For a federal agency to withdraw its support or legally challenge the result simply because it may not like the outcome renders the process meaningless...It would certainly have a chilling effect on future ARAC and ARAC-like processes if it were proven an irrelevant effort.*"

USATA urges members of these committees to not only support the ARAC process, but to ensure that recommendations negotiated in good faith by members of the Working group and supported by organizations such as USATA are not permitted to be eviscerated by those federal agencies who may not like the final outcome.

Thank you, again, for inviting USATA to provide testimony before these committees. We look forward to working with you in the future on these and other important issues impacting the American air tour industry.

Respectfully submitted,

Steve Bassett, president
United States Air Tour Association (USATA)

National Parks
and Conservation Association

Statement of
Philip Voorhees
Associate Director for Policy Development
of the
National Parks and Conservation Association
before the
House Subcommittee on National Parks and Public Lands
and
House Subcommittee on Aviation
U.S. House of Representatives
on
National Park Service Overflight Policy

November 17, 1997

Mr. Chairman and members of the Committee, thank you for the opportunity to present the views of the National Parks and Conservation Association (NPCA) on the management of aircraft overflights of the national parks. My name is Phil Voorhees. I am the Associate Director for Policy Development for NPCA, America's only nonprofit citizen organization dedicated solely to protecting, preserving and enhancing the National Park System. Established in 1919, NPCA today has nearly 500,000 members.

Before I begin my formal statement, Chairman Hansen and Chairman Duncan, I want to thank you for recognizing the importance of this issue to the national parks and those concerned with protection of park resources and the visitor experience. Although the issue of national park overflights has been dormant since the Aviation Subcommittee held a hearing in 1994, the issue will very likely emerge for debate again in the next session of congress. As you know, Senators McCain, Akaka and Allard have all introduced legislation on the issue, as have Reps. Mink and Skaggs and Schaffer. Sen. McCain held a hearing last July and I understand he is interested in pursuing his legislation in partnership with Sen. Akaka in the next session.

At the same time, the National Park Overflights Working Group, comprised of both aviation and conservation interests, is approaching a recommendation for additional regulation and potentially, additional legislative authority for FAA. Next year will be a busy year on the issue of national park overflights.

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Two basic principles are paramount as this committee and the broader congress considers any legislation that deals with the management of national park overflights on a national scale. The first is that the sounds of nature are among the intrinsic elements which combine to form the natural environment within national parks. As such, they are inherent components of the "scenery and the natural and the historic and the wild life therein," which form the core of the National Park Service's conservation mandate. Second is that within units of the National Park System, natural quiet -- the opportunity to experience natural sounds -- shall be preserved "unimpaired for the enjoyment of future generations." These two principles embody the most fundamental purposes of the National Park Service Organic Act of 1916, and reflect the Act's enduring meaning for the world today.

Whatever legislation is developed must respond to these two basic principles, requiring the National Park Service to recommend actions that will uphold them, and requiring the FAA to enforce NPS recommendations as the agency with the regulatory responsibility over use of the nation's skies.

Scope of Overflights Problems at Units of the National Park System

Grand Canyon National Park is popularly recognized as the one park that suffers from a substantial loss of natural quiet within its boundaries. One hundred thousand or more flights a year carry airtour passengers over the rim of the Canyon and into the farthest reaches of the park. While it is still possible for a visitor with a knowledge of flight patterns, a good sense of timing and the willingness to hike into the backcountry to find a sense of tranquillity in the park, the experience of natural quiet has been all but lost for a visitor to the common points of interest along the Canyon rim.

But the Grand Canyon is by no means the only park at serious risk of losing its natural quiet resource. In 1994 and again in 1996, NPCA surveyed park managers to identify the national park units in the System where overflights are a recognized problem. Every time we have surveyed the managers, the list of parks has grown. In the last survey, park managers identified 55 national park units adversely affected by airtour overflights. A list of those units is attached to this testimony.

On this list you will find not only the Grand Canyon, but also nearly every park unit on the Colorado Plateau, every unit in the State of Hawaii, and a large number of units across the nation, from Olympic to Dinosaur and Cape Cod to Saguaro. Established at the Grand Canyon in the 1920s, tour overflights have burgeoned into a national industry, with its own protective association and an appetite for every park unit with a scenic vista that can be attractively portrayed on a marketing brochure. Next summer, NPCA will repeat the survey of park managers and I fear the list will have grown even longer than the 55 which park managers identified just one year ago. This survey is a powerful statement of the need for legislative action.

Although NPCA's biannual survey explores overflights problems of all kinds in the national parks, it is appropriate that legislation focuses on problems associated with airtour overflights, or "flightseeing" in the industry's own terminology. At some parks, military, general aviation,

heavy commercial carrier and even government overflights are a concern to park managers. For the most part, however, these flights are transient in nature, entering and exiting the park in a straight path. In contrast, commercial tour overflights concentrate on park vistas and therefore circle, hover or otherwise linger over areas of scenic or historic interest. Frequently these areas are precisely the areas the majority of visitors on the ground seek to experience. Worse, backcountry visitors who expend considerable energy in search of tranquillity are often met at their destination with the drone of aircraft engines and a total loss of the very park experience they are seeking.

Acknowledging that military operations, heavy commercial carrier flights and other aircraft operations have an impact on the preservation of natural quiet at some national parks, the flight characteristics of commercial airtours and the rapid growth of the airtour industry focusing on national parks make those operations the most severe threat to the preservation of natural quiet in the National Park System.

Lessons from the Grand Canyon Experience

Implementation of the 1987 National Parks Overflights Act at the Grand Canyon has provided a compelling example of what can go wrong between passing legislation and implementing regulations in furtherance of the law. In clear language, the 1987 Act gave the Secretary of the Interior the authority to protect and restore natural quiet and to develop an aircraft management plan to achieve those objectives. The 1987 Act further required the Federal Aviation Administration to implement those plans without change, except as necessary to ensure aviation safety.

Despite a straightforward legislative mandate to "substantially restore" natural quiet to the Grand Canyon, ten years later the NPS and FAA are still embroiled in a dispute over how to achieve "substantial restoration." In fact, in the 1994 Advanced Notice of Proposed Rulemaking on park overflights, both agencies acknowledged that natural quiet has steadily eroded in the years since passage of the 1987 Act. According to FAA, between 1988 and 1995 the proportion of the park experiencing natural quiet declined from 43 percent to 31 percent, at the same time the number of annual tourist flights grew from 40,000 to between 105,000 and 200,000.

In light of the experience of implementing the 1987 Overflights Act at the Grand Canyon, it is critical that any subsequent legislation to manage tour overflight operations over parks on a national scale contain language which accomplishes the following: 1) it must explicitly delegate to NPS the authority for determining whether natural quiet is a part of the park's natural resources and experience; 2) it must delegate to NPS the determination of where restrictions should be applied to protect and preserve the natural quiet resource, what kind of restrictions are appropriate, and how those restrictions should be applied. And 3) it must require that the Federal Aviation Administration implement the NPS recommended plan <u>and any subsequent revisions</u> the Secretary of the Interior deems necessary to preserve and protect natural quiet <u>without change except for clearly identified safety reasons</u>.

Clearly FAA has the authority now and should retain the authority to enforce the rules of the airways. However, where activities in the sky have an impact on parks on the ground, FAA must

work in partnership with the NPS to ensure that park resources are protected and the visitor experience is left unimpaired. Historically, FAA and NPS have not worked in partnership. Therefore to protect park resources and the visitor experience, any legislation drafted should make it explicit that no flights shall take place unless FAA can devise, at an individual park, a route structure which both meets NPS objectives and ensures safety.

With the final regulations implementing the 1987 Overflights Act the subject of legal challenge by both the conservation community and the Grand Canyon air tour operators, it is in no one's interest to pass legislation for the National Park System which contains any ambiguities about Congress's intent in preserving and protecting natural quiet and the other park values dependent on that quietude in the national parks.

Park Units with Emerging Problems

Of utmost concern to NPCA is the rate of erosion of natural quiet resulting from the rapid expansion of the airtour industry. While the Grand Canyon, the Hawaii parks and Yosemite were areas of specific concern to Congress when it passed the 1987 Act, I doubt Congress envisioned returning to the issue to find that 55 park units are now "host" to the industry. Bryce, Zion and Dinosaur have recently experienced increases in airtour activity. Black Canyon of the Gunnison is bracing for the emergence of an air tour industry, as is Yellowstone. Devils Tower, a sacred site to the Native American community is also imminently at risk, with the proposed construction of an airport adjacent to the park.

At Rocky Mountain and Great Smoky Mountains national parks, the communities surrounding them have risen up to object to the prospect of "hosting" airtour activities. At Rocky Mountain, the objection was so strong that it led the entire congressional delegation to call for a ban on airtour activity before the first operator even began flying. Outside of Great Smoky, Haywood County passed an ordinance specifically designed to keep helicopter airtours from establishing a foothold in the county.

In point of fact, any and every unit of the National Park System with dramatic features and a scenic vista is at risk. With the exception of the rule expressly protecting Rocky Mountain National Park and the local ordinances around the Smokies, there is nothing to prevent an airtour operator from commencing flights over any national park unit after acquiring any required certificates from FAA. Even if a park manager determines that low-level tour flights would be incompatible with park resources or the visitor experience, neither the NPS nor FAA have a mechanism for preventing or simply managing an operation regardless of potential damage to natural quiet, the visitor experience, wildlife or cultural values, or other park resources.

As both international and domestic tourist interest in the national parks grows and the economy flourishes, the airtour industry will continue to grow, expanding its reach to more parks with more flights. While an airtour may provide a rewarding (if expensive) experience for a small collection of passengers, it potentially comes at the sacrifice of the experience for the millions of other visitors on the ground. Bit by bit, parks are becoming more like the very places the visitor seeks to escape.

Specific Suggestions for Legislation

The need for legislation to manage the operations of scenic airtours over parks is clear. Every year more national parks, national monuments, national historic parks, national lakes and seashores and other types of units endure the drone of airtour engines, with a resulting loss of their natural quiet resource and the experience of tranquillity for the visitor. It is equally clear from the NPS experience of managing the airtour industry at the Grand Canyon that whatever legislation passes must be as specific as possible in delegating to the National Park Service the authority to determine the need for and extent of regulation.

NPCA believes that the approach taken by S. 268, The National Park Overflights Act of 1997, as it is being amended, is appropriate. No legislation can specify airspace management plans that are uniformly appropriate for the diversity of units in the National Park System. The National Park Service should be charged with developing individualized tour management plans which respond to the level of concern of park managers and which serve to uphold the Park Service's Organic Act mandate. NPCA urges the Aviation Subcommittee to consider legislation which outlines a specific series of steps for the NPS and FAA in developing such airtour management plans. NPCA believes this approach has considerable merit.

In addition, we have more specific suggestions that would address the kinds of ambiguity about its intent, purpose or practical effect in preserving the natural quiet resource of units of the National Park System and the park values dependent upon that resource throughout the country. Such problems of interpretation have complicated and severely compromised implementation of the 1987 NPOA. These suggestions include the following:

<u>Establishment of Special Use Airspace</u>

- FAA should be required to work in partnership with NPS in developing appropriate, park-specific airtour controls and management plans.
- NPS should be given the specific authority to determine where, when and to what extent airtour operations are an appropriate service operating within or above a national park. This authority should extend to determinations that no airtour operations are appropriate in some units of the National Park System where natural quiet is an important part of the visitor experience.
- Airtour operators should be required to obtain Part 135 certification from FAA.
- FAA should be required to follow NPS recommendations with regard to site sensitivity and resource impacts in designing appropriate operations specifications for units where airtour operations are allowed.
- FAA should be required to delineate national park units on all aeronautical charts.
- Legislation should establish a process for decision making on a unit basis, but within a system-wide structure.
- Any legislation should be specific in addressing commercial airtours.

Conclusion

The experience at the Grand Canyon over the past 10 years and the growth of the industry over the national parks clearly indicate that legislation is needed. Such legislation must address the need for preservation of natural quiet in the national parks. To avoid the tortuous experience of implementing the 1987 Act, legislation should be as specific as possible in the authorities it conveys. The above suggestions represent ways NPCA believes legislation could be made specific, targeted and practical.

In concluding, let me say that NPCA is not opposed to the airtour industry. To the contrary, airtour operators provide a service that is in demand among some segments of the public. The question is where and under what circumstances are airtour operations appropriate in a park context. The National Park Service has done a good job of preserving areas of the United States so that the visitor can see parts of America as it was before settlement. But there are alarmingly few areas where the visitor can hear America as it was even 20 years ago. The National Park Service, in partnership with the Federal Aviation Administration, must be given the opportunity to preserve natural quiet in the parks so that our children do not awaken to find that the National Parks sound just like every other place in America.

Thank you again for the opportunity to present NPCA's views.

National Park Units Where Commercial Tour Overflights are a Concern to Park Managers*

NATIONAL PARK	NATIONAL MONUMENT	NATIONAL HISTORIC PARK
Badlands NP	Cape Krusenstern NM	Colonial NHP
Bryce Canyon NP	Dinosaur NM	Kalaupapa NHP
Canyonlands NP	Gila Cliff Dwellings NM	Klondike Gold Rush NHP
Capitol Reef NP	Montezuma Castle NM	Pu'uhonua o Honaunau NHP
Channel Islands NP	Mount Rushmore NM	
Denali NP	Natural Bridges NM	NATIONAL SEASHORE/LAKESHORE
Dry Tortugas NP	Navajo NM	Cape Cod NS
Everglades NP	Pipe Spring NM	Cape Hatteras NS
Glacier NP	Rainbow Bridge NM	Cape Lookout NS
Glacier Bay NP&P	Statue of Liberty NM	Pictured Rocks NL
Grand Canyon NP		
Great Smoky Mtn NP		
Haleakala NP		
Hawaii Volcanoes NP	NATIONAL RIVER	NATIONAL RECREATION AREA
Isle Royale NP	New River Gorge NR	Gateway NRA
Katmai NP&P		Glen Canyon NRA
Lake Clark NP&P		Golden Gate NRA
Lassen Volcanic NP	NATIONAL HISTORIC SITE	Lake Chelan NRA
Mount Rainier NP	Kaloko-Honokohau NHS	Lake Mead NRA
North Cascades NP	Puukohola Heiau NHS	
Olympic NP		NATIONAL MILITARY PARK
Saguaro NP		Fredricksburg NMP
Theodore Roosevelt NP		
Voyageurs NP		
Wrangell-Saint Elias NP	PEACE MEMORIAL	NATIONAL PRESERVE
Zion NP	Perry's Victory & International Peace Memorial	Big Cypress N Pres

* Based on survey results from park field managers in response to NPCA questionnaire on noise from overflight activity, Summer 1996.

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TESTIMONY OF GRAND CANYON TRUST
REGARDING NATIONAL PARK OVERFLIGHTS

Presented by Steven E. Snow, Grand Canyon Trust

Before the

House Subcommittee on Nation Parks, Forests and Lands

And the

House Aviation Subcommittee

November 17, 1997

Good morning Chairman Hansen, Chairman Duncan and members of the Subcommittees.

Thank you for inviting the Grand Canyon Trust to participate in this oversight hearing today. My name is Steven E. Snow. I was born and raised in St. George and have practiced law here the past twenty years. I am a member of the Grand Canyon Trust's Board of Directors based in Flagstaff, Arizona. The Trust also has an office here in St. George. The Grand Canyon Trust is a regional organization dedicated to the conservation of the natural and cultural resources of the Colorado Plateau. For more than a decade we have been working to protect and restore "natural quiet" in our national parks, with a special emphasis on the two dozen parks on the Plateau. The Grand Canyon Trust believes that the sounds of nature are among the intrinsic elements which combine to form the natural environment within national parks. This is particularly true across the Colorado Plateau, a region known for its spectacular vistas and opportunities for solitude.

The Trust welcomes this opportunity to contribute to the discussion of how best to ensure that "natural quiet" is preserved in our National Park System and that the visitor experience is not threatened as a result of the growing number of commercial air tours in our national parks.

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"Natural Quiet" means different things to different people. It can mean standing in the middle of an aspen forest and hearing only the sounds of the leaves rustling. It can mean standing in Yellowstone at dusk and hearing only the coyotes howl. Or, it can mean standing by the Colorado River and hearing only the sound of water flowing. Clearly, there is no one definition which suits everyone, but what is clear is that regardless of how the term is defined, there is little dispute among visitors to our national parks who seek solitude and an escape from our increasingly urbanized society, that "natural quiet" is one of the defining elements of a visit to a national park.

We do understand that air tours can be an enjoyable way to view the scenic wonders of our national parks. Unfortunately, however, in the last ten years it has become more difficult for visitors to many of our premier national parks to find the "natural quiet" they might be seeking because of the tremendous increase in the number of sightseeing overflights.

On July 31st of this year, the Trust presented testimony before the Senate Committee on Commerce, Science, and Transportation in support of Senate Bill 268 (S. 268), the National Parks Overflights Act of 1997. The purpose of S. 268 is to establish a framework for monitoring and controlling commercial air tours over national parks. S. 268 directs the National Park Service to recommend actions that will protect and or restore natural quiet and requires the FAA, the agency responsible for regulating our nation's air space, to enforce the recommendations of the park service. The FAA is only to change these recommendations if safety is an issue.

This principle is crucially important. The National Park Service is our nation's paramount resource agency, the keeper of our national treasures, like the Grand Canyon, the Great Smokies, Yellowstone, Rocky Mountain, Zion, and Yosemite. S. 268 would extend the Park Service's authority to develop aircraft management plans for any park where the natural quiet resource is, or may be, impaired or threatened. S. 268 promotes the use of quieter aircraft, and authorizes the use of caps, curfews, and flight-free zones as measures to protect and restore natural quiet.

S. 268 relies upon the agency with the greatest resource management expertise, the National Park Service, to evaluate resource protection needs and recommend resource protection standards and measures. Importantly, it still relies upon the agency with the greatest aviation expertise, the FAA, to implement those measures safely.

Aircraft management plans developed by the Park Service could prevent the development of conflicts between natural quiet protection needs and aircraft overflights. For example, as part of the development of the General Management Plan at Zion National Park, park managers, in cooperation with air tour operators, have developed voluntary measures to minimize air tour impacts on the park. However, these measures are voluntary, and without legislation such as S. 268, the Park Service does not have the authority to require compliance. In addition, Bryce Canyon National Park is plagued by fixed-wing and helicopter overflights that impair both natural quiet and the visual resource, because they fly below the elevation of the park's rim overlooks. Other parks on the Colorado Plateau, such as Arches and Canyonlands, are threatened

Grand Canyon National Park is a good example of what can happen if we do not address this issue in a timely fashion. By the time Congress passed the National Parks Overflights Act in 1987, there were already 40,000 air tour operations per year in the Grand Canyon. Natural quiet

had already become a scarce resource in the park and the air tour industry was firmly entrenched and growing. Ten years later we still have not restored "natural quiet" and the number of air tour operations over the park has more than doubled. The lack of caps on flight operations is the main reason why past rules have failed and current rule-making will continue to fail. Unless the Park Service and the FAA are able to develop plans for parks before air tours begin in a park or at least when there are still just a few air tour operations, other parks are likely to have the same experience as the Grand Canyon.

S. 268 is currently being revised based on public comments as well as the testimony presented at the July 31st hearing. It will undoubtedly incorporate recommendations put forward by the citizen's working group formed as a result of President Clinton's 1996 Earth Day proclamation which addressed the issue of natural quiet in national parks. The working group will soon present the FAA and the NPS with its recommendations on how air tour operations over national parks should be regulated. The Grand Canyon Trust has not seen a final draft of these recommendations, however, based upon earlier drafts we believe that the recommendations will not go far enough toward fully protecting "natural quiet" in our national parks and that we will need legislation to fully address this issue.

I would like to thank both Chairman Hansen and Chairman Duncan for holding this oversight hearing today. I ask that you consider co-sponsoring a House version of S. 268. We need your leadership on this issue if our national parks are to continue offering quiet refuge for the millions of Americans that visit them every year.

Thank you.

TOWN OF SPRINGDALE

Mayor Phillip K. Bimstein Testifying Before
the Subcommittee on National Parks & Public Lands and
the Subcommittee on Aviation,
on November 17, 1997

Thank you for the opportunity to speak, and thank you for listening to the testimony of a gateway community which sits at the entrance to a national park, a community in the direct line of flight of the airplanes and air tours you are considering here today. Please hear our testimony as an example of the many other communities who are the most affected by these deliberations, for we are the people who must live with the impacts of these flights, should you allow them. We appreciate this opportunity to let you and congress know, when an airplane flies over our homes, what we see, hear, and feel.

Let me begin by telling you about an incident at our school two years ago. Della Higley, born in 1914 on land which is now Zion National Park, was speaking to our children in celebration of our state's centennial. Wearing a pioneer dress and bonnet, Della was telling our children what it was like growing up here in a simpler time, when things were quiet and peaceful, and then all of a sudden - there was an earth-shaking boom, which rattled the walls of the school. It startled Della and frightened the children - they dove under their chairs, afraid it was an earthquake. But it was only a sonic boom. It took a while for Della to catch her breath and collect her thoughts, before she could resume her story about the way it used to be...

Unfortunately, this is not an unusual occurrence in Springdale. The booms and roars, the insistent drones and whines of airplane engines are becoming louder and more common every day.

Della Higley told me she has always been against airplanes flying overhead in the park. Last week I went back to our school and asked the kids how they feel about the various aircraft flying over Springdale, big planes, small planes, helicopters and commercial air tours. Here is what they said:

Chelsea, Age 11: "When I go on hikes I do it to get away from noises and when a plane goes over it ruins my whole day."

Sarah, 4th grade: "When I climb the mountains, I like the sound of the wildlife, but when a plane flies over it breaks the silence and I think no planes should fly over Zion, because I want Springdale and Zion to stay the way it is."

James, in 4th grade: "When planes fly over they make small towns into big cities"

Jared, age 10: "I like it when it's quiet - I like it when it's peaceful. Airplanes should be outlawed in Zion and Springdale."

P.O. BOX 187 Springdale, Utah 84767 (801) 772-3434

And finally, listen to words of Becky, a 5th grader: "If there's a tour helicopter and you're in it, you're thinking how great it is. But you should think about what if you were down there and you were looking at an animal. When a tour plane comes over it scares away the animal. Think about what you are doing to other people when you go on a tour plane. It could ruin someone's whole day. It's peaceful when there are no planes. I hope we can stop the planes."

Our children speak unequivocally and with great insight. On this issue, our community speaks with one voice. We are united in our opposition to overflights above Zion National Park, and our feelings our strong. Our zoning ordinances prohibit landing strips, airports and heliports. We have joined with our neighboring communities who oppose them anywhere in the vicinity. Our town has twice asked the FAA to ban park overflights.

I am also speaking today for the Zion Canyon Chamber of Commerce, who unanimously passed a resolution opposing overflights, because their customers, the annual 2.5 million visitors to Zion National Park, are deeply offended by them. Overflights may drive their business away. We work hard to provide our visitors with a good meal, a warm bed, and the quiet time they need to relax and enjoy their experience of Zion. Don't take that quiet away from us, and from them. It is an integral part of the high-quality experience our visitors deserve and expect. The noise and sight of airplanes cheapens their visit and damages our economy, which supports our local families. It also degrades our own quality of life.

It has been argued that air tours are environmentally sensitive, but they are undoubtedly the most insensitive way to see the national parks because they assault the senses of everybody else who is not on the planes, the hundreds and thousands who must see and hear them. As our school children wisely said, just one plane ruins everybody else's day. It intrudes, it breaks the silence like a bull in a china shop, and all of us on the ground, especially we who live under its path, we have no choice - our ears are held hostage by the racket of its engine, our day in the park shattered by the noise like a fly-by shooting.

So I ask you, keep your ears to the ground, to what the people are saying. And when you make your decisions, know that our ears are tuned, wide open. We will be listening, and the 70 million annual on-the-ground visitors to national parks will be listening, and we will hear you, loud and clear.

Thank you.

Phillip K. Bimstein
Mayor, Town of Springdale

PKB/ws

TOWN OF SPRINGDALE

June 4, 1994

Mr. David L. Bennett
Federal Aviation Administration - Office of Chief Counsel
Attention: Rules Docket (AGC-200) - Docket No. 27643
800 Independence Ave., S.W.
Washington, DC 20591

Dear Mr. Bennett:

I am writing to you as the Mayor of Springdale, Utah, the town which serves as the gateway community to Zion National Park. On June 2, the Springdale town council voted unanimously to support a complete ban on aircraft overflights above Zion National Park and the surrounding area, and to authorize me to write this letter expressing our views.

The town council and I firmly believe that overflights degrade the park experience both visually and aurally for the nearly three million visitors Zion receives each year. In addition, the aircraft would shatter the natural quiet of our community. Many of us live in Springdale specifically to get away from these noisome intrusions. The quietness of our town is as precious to us as clean water and pure air, and just as deserving of protection.

We feel especially compelled to write because we have read the letter of May 11 written to you by Jerry Lewis of the Five County Association of Governments. In his letter, Mr. Lewis suggests he is speaking for the local governments of southwestern Utah. We take issue with his letter, and want to make it very clear that on aircraft overflights he does not represent the views of Springdale and several other communities near Zion National Park.

In direct contrast to his personal views, the town of Springdale opposes aircraft overflights, and we urge the FAA to ban them completely from national parks. We do not believe in the effectiveness of voluntary compliance, as current FAA advisories are already widely disregarded over the National Parks in our area. Finally, we do not concur that the overflight industry is important to our region's economic base, and in fact believe that overflights may negatively impact our local economy by degrading the tourist's experience and deterring on-the-ground visitation to our motels, restaurants and shops.

In summary, we believe aircraft overflights are a serious threat to our community. We urge the FAA to preserve and protect the natural and historic landscapes of Springdale and Zion National Park, and to ban all overflights over the National Park System.

Thank you for considering the views of our directly-effected community, and please send us a copy of your proposed rules.

Sincerely yours,

Phillip K. Bimstein
Mayor, Springdale

P.O. BOX 187 Springdale, Utah 84767 (801) 772-3434

TOWN OF SPRINGDALE

September 25, 1996

Federal Aviation Administration
Office of the Chief Counsel
ATTN: Rules Docket (AGC-200)
Docket # 28537
800 Independence Ave. SW
Washington, D.C. 20591

Dear Federal Aviation Administration:

As Mayor of Springdale, Utah, gateway community to Zion National Park, I am expressing our town council's concerns with the FAA's new rules for Grand Canyon overflights. I feel these concerns are probably shared by most of the three million annual visitors to Zion, many of whom also visit the Grand Canyon, which is only seventy miles away.

I urge you to reduce the number of flights over the Grand Canyon to 1987 levels, and that the cap be make permanent.

While I applaud the curfews on flights, they may tend to compress the same number of flights into a shorter time period, which would only add to the level of noise. I urge you to mandate both curfews and reductions.

Natural quiet should be restored throughout more of the Park; the FAA's proposals, making rarely-used areas off-limits for tour flights, does little to restore the Canyon's quiet.

Finally, I urge the FAA's rule to include incentives for tour operators to use quieter aircraft.

Furthermore, I ask that aircraft noise be controlled and possibly eliminated in other national parks and especially Zion. Overflights degrade the park experience both visually and aurally, and they shatter the natural quiet of our community. Many of us live near a national park specifically to get away from these noisy intrusions. The quietness of our town is as precious to us as clean water and pure air, and just as deserving of protection.

As the rule-making process for other national parks is being considered, I would appreciate being kept informed and having the opportunity to provide additional input.

Thank you.

Sincerely yours,

Phillip K. Bimstein
Mayor, Town of Springdale

PKB/ws

P.O. BOX 187 Springdale, Utah 84767 (801) 772-3434

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES
Subcommittee on National Parks & Public Lands
Subcommittee on Aviation

JOINT OVERSIGHT FIELD HEARING
AIRCRAFT OVERFLIGHTS OVER NATIONAL PARKS

by: Robin T. Harrison, P.E.
17 November 1997 - Dixie College, St. George, Utah

Chairman Hansen, Gentlemen and Ladies. I appreciate the opportunity to offer short testimony with regard to this important issue. I appear before you as a private citizen; I am affiliated with no group that has a stake in the aircraft overflight controversy, although I have been a paid consultant to the Air Tour Association, and, while a government employee, was a paid consultant to the National Park Service as well. I am the guy, along with my co-authors, Roger Clark and George Stankey, who first published the idea that natural quiet was a resource in its own right, deserving the same kind of attention and protection as other better recognized wilderness resource values. This work started in 1975. Natural quiet was ill-defined then, and it remains ill-defined now.

It is not for lack of trying that we still do not have a widely accepted definition of natural quiet. As with all other important issues, the issue of natural quiet in the national parks has become a polarized one. The polarization of which I speak is not that natural and healthy tension which arises between those who advocate increased appropriate use of our public lands and those who would decrease and discontinue many uses thereon, but between those who attempt to deal with land management decisions from a scientific viewpoint, and those whose decision-making basis is colored by emotion and belief.

In response to Public Law 100-91, the National Park Service and the U.S. Forest Service, which I proudly served for nearly 30 years, were directed to study the effects of aircraft overflights on national parks and wildernesses. I was the technical advisor for acoustics to both these organizations during the preparation of their reports to Congress.

Central to the Congressional direction in Public Law 100-91, The National Parks Overflights Act, was the direction to the agencies to study and implement the substantial restoration of natural quiet. Of course, Congress did not define the natural quiet which was to be restored. In an address to the United States Air Tour Association, I outlined in some detail the

approach to restoring the natural quiet in Grand Canyon which has been taken by the Park Service and those individuals and organizations which support the reduction or elimination of aircraft flights in and around the Park. I have submitted a copy of this address along with these remarks.

I have noted an impressive procession of documents from the FAA dealing with Special Flight Rules in the Vicinity of Grand Canyon National Park, starting with the Draft Environmental Assesssment and proceeding to the most recent Notice of Clarification. With all due regard to my colleagues at the FAA, they all missed the point very broadly. The point is never has there been an acceptable definition of natural quiet established.

The traditional objections to aircraft overflight noise in natural areas historically first focused on the effects of noise on wildlife. Careful scientific work sponsored by the Forest Service and the Park Service has shown that although there may be specific instances of short term effects on some wildlife species, it has not been shown that wildlife populations are affected by aircraft overflight noise. As a matter of fact, quite the contrary is true; it has been shown that they are not.

The second concern often voiced is the effects of aircraft overflights on cultural resources, i.e., buildings and ruins. Again, the scientific work establishes that this too in simply a non-issue.

An often speculated problem with aircraft overflights is hearing health. The sound levels of aircraft overflights, as measured by the Park Service in Grand Canyon, are so far below any conceivable threshold of effect on hearing health that even to raise the issue is ludicrous.

The Forest Service study carefully investigated any safety considerations for people on the ground, in response to claims that rock climbers are blasted off the cliffs, horse people are thrown from their mounts, hikers are startled into jumping into streams, etc. Although many anecdotes have been circulated, consideration of all complaints lodged with the Forest Service indicates that such situations have been extremely isolated; perhaps two or three people have actually been hurt because their animals were startled by aircraft. These were nor air tour aircraft or general aviation aircraft, but low flying tactical military fighters.

So, because the Park Service can produce no demonstrable physical effects from the sound of aircraft overflights, they borrowed my concept of natural quiet, and are attempting to protect this as a resource. The Park Service position seems to be that if there are acoustic waves, regardless of whether people can hear them or not, propagating through the national park, the

natural quiet has been compromised, even though there is no one there to assess this compromise.

The methodologies that the FAA and the Park Service have selected to assess the restoration of natural quiet do not make scientific sense. They all fail to consider what I have called self-noise. They are based upon, in essence, the judgment of professional listeners, paid to hear aircraft. The issue of the detection of a sound, and whether that sound is annoying to the listener, is an extremely complex one. There is, even in the professional community which deals with this, considerable disagreement about how the annoyance caused by sound should be measured. All professionals agree that the most important effect of intrusive sound, otherwise known as noise, in the non-occupational setting, is annoyance, and all agree that sounds not actively detected by the listener cause no annoyance. The detection or perception of sound is a function of not just how loud the airplane noise is at the listener's ear, but also, among many other factors, how loud the background is at the listener's ear. The background at the listener's ear must include the noise generated by the listener himself which serves to mask the intrusive sound. If any of you have trouble sleeping, I could suggest a few good texts on the mathematical models which have been developed to help predict this effect, but suffice it to say for our purposes here a big failure in the National Park Service's model of natural quiet is that it fails to consider the background sounds, the focus and attention, and the attitude of the average visitor to the park.

Acousticians also will agree that the number of complaints officially lodged is tightly correlated to the actual annoyance suffered by the population in general in any given intrusive noise situation. Others have discussed the complaint history with regard to aircraft sound at Grand Canyon; all I think I need to say is that the miniscule number of complaints actually received by the Park Service in those time frames when complaints were not being actively solicited should indicate my point.

Finally, let me speak briefly to S268. As I read it, it seems to call for another study. I respectfully submit that another study is not useful. Further, the very language of the bill is inflammatory. I cannot imagine that Congress would agree that aircraft operations can raise serious concerns regarding public safety including the safety of park users. This seems to me to be a cheap shot, tying the tragic accidents that have occurred at Grand Canyon somehow to the noise issue. At Section 3(b)(1)(a), a real cheap shot is found when the bill states that the Secretary shall submit to the Administrator recommendations regarding actions necessary to protect public health and safety from any adverse effects associated with aircraft overflights. As mentioned above, health effects of aircraft overflight are nil,

and safety, in the sense of any danger posed by aircraft overflight noise, is likewise nil.

As you might have noted from the biographical information I submitted, I am a Designated Engineering Representative with the FAA. That means I am in essence an unpaid employee of the Federal Aviation Administration. I spend a good part of my life in heated argument with my colleagues there and while I have been brutally unkind to the FAA professionals who deal with aircraft noise, my long association with that organization, has left me in substantial awe of their technical and managerial expertise. S268, as I read it, cedes, for all practical purposes, control of the airspace over national parks to the Secretary of the Interior. I cannot imagine a worse way to deal with aircraft overflights, for the parks, or for the people of the United States.

Voneta Wittwer-Stocker
Speech Outline

Thank you for allowing me the opportunity to speak about the Grand Canyon National Park.

For the record my name is Voneta Wittwer-Stocker and I reside at 14 Page Street, Las Vegas, Nevada.

I would like to share with you today my Grand Canyon experience.

Tell about how/why you saw the Grand Canyon in February (Time Limitation, Health Issues-how you have cut news clippings)	3mins
Talk about your experience over the Canyon (refer to notes)	5mins
Talk about what you learned about the history surrounding the Canyon (Temple Bar, Mormon History, Native American History)	2 mins
Share how you want your Grandchildren to see GCNP	2mins
End with your Daughter's friend, how your appreciate natural beauty) (how he cried when he told her about his experience.)	2mins

I would like to Thank the FAA again for taking the time to hear what matters to the people.

12:50 - Is - and ready to go -
You can really see the growth
of the area -
Industrial part of Henderson -
middle of town now -
Past Lake now -
beautiful - old canyon -
very desolate -
Past Temple Bar - formation

A whole different world
Colors - formations -
Green along river - actually trees
1:35 Stop for lunch - in the canyon
Quarterpacter Bluff -
Canyon

Such contrasting views
desolate - to breath taking -

Flying along over dry
barren area - suddenly going
over the horizon - and a
completely, breath taking,
awesome view - the multi
colored Grand Canyon - -

It's as if the view and
the feeling was God's gift to
you - As you strain to try
to take in everything - not
wanting to miss a single
formation, splashes of color -

It is almost an ~~overwhelm~~
overwhelming feeling of joy of
being able to see so much, in

such a way, and in such a short period of time —

~~[illegible] would it ever be possible for me to~~ see any of this, except by air — I could never hike — go on the river — or even be able to ride in a car long enough to even be able to see a small portion of what I was now enjoying —

No matter what direction I'd ~~look~~ look — there was beauty — natures handiwork some spots, it looked as if a painter had poured his extra paint out over the edge of cliff — the colors and dripped down and in various amounts leaving multi colored streaks

Other areas, you could see the many layers of stones, lime, as if Nature had made a ~~[illegible]~~ layers of a fancy cake —

Always the feeling of being blessed because I was seeing a part of this world, not very many people ~~every~~ ever get to see!

I can, at any time, close my eyes, and let my thoughts wonder back and live again the experience of seeing the breath taking views of the glorious Grand Canyon —

beautiful formations
many colors
winding river - tree lined
flowering cactus
green leafy plants
blue ~~sky~~ sky
fluffy clouds
ever changing view of
the many canyons and rock
formations

I may not now use a
wheel chair, crutches or a
cane - (who knows, I may one
day have to) but I'm still
"handi-capped" - I could never
hike down into the canyon - ride
the river and can not even
ride in a car for very long
or any great distance -
~~Two open heart by/pass surgery~~
~~or serious back surgery~~ have
all changed my life -
I can no longer enjoy
some of the many activities I
use to - living here in this
area since 1941 - I have
visited the many places of
fun and beauty - -
The trips over the canyon
~~in the plane~~ have been
~~the high~~ - highlights in my life -
The beauty and excitement, yet
tranquility of the canyon
will stay with me forever -
all I have to do, is close
my eyes - and I can see all
that beauty and re live the
excitement and joy
What a shame it would
be to deprive others, like myself

of the opportunity of having such a wonderful experience. There is not another place like this in the world... Man can ~~build~~ build and create beautiful things -- but nothing to compare to what mother nature has done --

To imagine the thousands of years, the winds, the rain - all needed to create this place -- to fly over barren desert, long flat areas - and go over the Canyon and see the beauty -- all of this only possible to see in this way from the air ---

What good is all this beauty and joy if it can't be experienced by some one -- If you have never seen it as I have, how can you judge what should and shouldn't be shared --- Only by seeing, and feeling it can you know.

Visiting Grand Canyon by air, the birth of your child, helping deliver your own grand children - all are up there in being the most spiritual thing you could ever experience.

Don't deny some one that feeling by not allowing trips to the Canyon --- I garuntee once you've been there, you will never forget it -

We who live here - sometimes forget what beauty and wonderful things are in our own back yard -- Grand Canyon, Lake Mead, Hoover Dam,

Valley of Fire, Mt Charleston, Red Rock -- Yet, we'll travel hundreds of miles to see something else -- Just as others travel here to ~~to~~ see the Canyon, the lake, the dam -- Do we want to deny them what they've traveled so far to see?

~~Have~~ any of you been to the Canyon, have you experienced any of the things I've been telling you about?

If ~~you~~ haven't, how can you make a judgement about something you know nothing about? If you have, how can you deny others the same privilege?

TESTIMONY OF FRANK L. JENSEN, JR., PRESIDENT

HELICOPTER ASSOCIATION INTERNATIONAL

JOINT OVERSIGHT HEARING ON

ISSUES SURROUNDING AIRCRAFT OVERFLIGHTS OVER NATIONAL PARKS

before

CHAIRMAN JAMES V. HANSEN

HOUSE RESOURCES COMMITTEE
SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS

AND

HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE
SUBCOMMITTEE ON AVIATION

ST. GEORGE, UT

NOVEMBER 17, 1997

1635 Prince Street
Alexandria, VA 22314
(703) 683-4646
FAX (703) 683-4745

example, the only fatality that has ever occurred in helicopter tours of the Grand Canyon National Park (GCNP) was in 1986 when a tour helicopter and a tour fixed-wing aircraft collided, soon after the National Park Service (NPS) changed the tour routes. Several years later, a National Transportation Safety Board (NTSB) review of aerial tours made two findings: (1) that safety was not an issue on aerial tours of Grand Canyon National Park, and (2) that National Park Service interference in air-space management contributed to the 1986 tragedy.

The overall safety record of tour helicopters, nationwide, is quite good — about one accident per 100,000 flying hours. This is much better than for general aviation across the board. To encourage even greater safety, we would like to see more stringent application of the Federal Aviation Regulations for all aerial transport of paying passengers. Specifically, we would like to see all passenger-carrying aircraft that operate for hire over units of the National Park System conform to the requirements of 14 CFR Part 135 as opposed to the more permissive provisions of 14 CFR Part 91. A summary of helicopter safety statistics is attached, showing steady significant improvement.

As to noise abatement, another HAI priority, HAI initiated the *Fly Neighborly Program* in 1982. This is a very successful effort to reduce the intensity of helicopter noise through voluntary operational measures such as flying at specified air speeds, altitudes, power settings, rotor speeds, routes and time schedules. Information on HAI's *Fly Neighborly Program* is also attached.[1]

In regard to actual or perceptible aircraft noise in the National Parks — there has not been a significant level of complaints from park visitors. For instance, only 26 persons out of 5 million visitors to the Grand Canyon in 1995 spontaneously complained about seeing or hearing aircraft. This hardly constitutes a mandate to impose further restrictions on aerial tours, or to splinter the nation's airspace system by delegating to land management agencies any aspect or semblance of control of air traffic, whether over the National Parks or elsewhere.

I will use the GCNP as an example, since it is nearby and is among the most popular of the national parks. Air tours, even under the restrictions imposed by SFAR 50-2, provided the best of all worlds for the GCNP: non-polluting, non-destructive access is provided by aircraft for persons who may not have the mobility, the time, or the inclination to hike down the trails and observe first-hand the beauty of the Park. Under SFAR 50-2, no-fly zones comprised 44 percent of the GCNP. The new rule, 14 CFR 93 Subpart U, will double the no-fly zones to include 87 percent of the entire GCNP. Air-tour operators have done an outstanding job of honoring the no-fly provisions. Transient non-tour aircraft, both civil and military, have comprised most of the violations of SFAR 50-2.

The National Park Service performed a study on air-tour overflight sound at the Grand Canyon in 1994. The study quoted the Park Service's definition of natural quiet, i.e. that "50% of the park

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[1] See attachment 2 of this document

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[1] See attachment 2 of this document

is free of noticeable noise from sightseeing flights at least 75% of the time."[2] Although, we believe this definition is too stringent, for convenience and clarity it will be used. HAI believes that the government studies were biased and misleading due to several invalid and unscientific assumptions that overstate the sound levels and sound detectability. HAI further believes that when these government errors are corrected, over 95 percent of the park will meet the Park Service's own definition of 'natural quiet' in the busiest month for air tours (July).

It is most difficult to comprehend the actions taken by the Park Service leadership to discourage air tours. Tax-payers' money was spent by the Park Service to print and distribute anti-tour flyers; see attachment 4. Moreover, the Park Service has actively sought to establish a presence within the offices of the FAA; see *"Attachment 3,"*[3] which was part of the documentation, apparently prepared by the Park Service, and provided to anti-aviation, "environmentalist" groups, who in turn used that document as part of their law suit against the FAA. This document proves what HAI concluded years ago, that the Park Service's goals are not merely safety, the environment, or even the preservation of natural quiet. The National Park Service's goals involve expanding it's jurisdiction to include airspace management.

One particularly avid ally of the Park Service is the National Parks and Conservation Association (NPCA). In a May 20, 1994 letter (see attachment 5), the NPCA declared that, "Any aircraft noise in the parks is anathema to the natural experience most visitors seek in the parks. We must begin our fight for the elimination of overflight[s]... A victory on park overflights will set a precedent for military and other aircraft disturbances..."[4] Furthermore, an NPCA *ALERT* declares, "that even one overflight can destroy the natural quiet of our national parks (see attachment 6)."[5]

Particularly ironic is that, while the top echelons of the Park Service are actively and vigorously implementing the NPCA's policies and condemning air tours, which fly on specified routes and schedules above the rim of the Grand Canyon, the Park Service has a number of heliports along the trails and on the floor of the Canyon. Helicopters working for the Park Service make

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2 *REPORT TO CONGRESS; Report on effects of Aircraft Overflights on the National Park System*, September 12, 1994

3 ATTACHMENT 3; DRAFT PROPOSAL FOR INTERAGENCY WORKING GROUP: FUTURE FAA-NPS PROBLEM SOLVING TEAM (Note: this document is also called ATTACHMENT 3 in the environmentalists' court filing.)

4 National Parks and Conservation Association letter addressed "Dear Aircraft Noise Activist," May 1994, authored by William J. Chandler, NPCA Director of Conservation Policy

5 National Parks and Conservation Association ALERT regarding FAA Docket No. 27643. It bears no authorship and no date.

numerous daily flights right down into the bottom of the Canyon, providing assistance to park rangers, and performing other administrative tasks. These are the helicopters that visitors to the Canyon's back country see and hear—not the tour aircraft, which are at least a mile higher. I have talked to recent hikers who spent days walking along the trails in the bottom of the Canyon, and none of them saw or heard any tour aircraft. The same double-standards seem to apply to many other national parks.

A 1991 television segment on the CBS program *48 Hours*, titled *The Grand Canyon — Dangerous and Endangered*, showed just how important these Park Service helicopters are for alleviating distress, enforcing the law, rescuing injured back-country users, and providing logistical support within the GCNP, and how often they are called into action for these vital missions. In the film, footage was shown of the Park Service's "Grand Canyon Heli-Base," and of a helipad atop the residence of Mr. Bruce Aiken, custodian of the Grand Canyon water supply. The narrator spoke of 383 helicopter search and rescue missions in one year, and of five helicopter medical evacuation missions going on at one instant. They also spoke of five hikers being evacuated by helicopters in one day because of minor health problems. The number of NPS flights into the Canyons has increased each year. It should be noted that search and rescue missions usually entail a great deal of slow and low flying flights—into the canyons and along stream beds—whereas some of the other missions are accomplished more quickly.

So let's be fair about helicopter noise in the national parks—even if all air tours are shut down, completely, there will still be frequent mission-essential flights ordered by the Park Service, often involving hovering over or landing on the trails and along the banks of rivers. Or are we going to consider a bit of transitory noise too much of a price to pay to rescue disabled, ill or injured persons?

The facts are, that air tour operators have gone to extreme measures to accommodate other park users. For example, Mr. Chairman, McDonnell Douglas has spent many millions of research dollars to develop technology that would eliminate helicopter tail rotors, known to cause much of the perceptible aircraft sound. This design is called NOTAR (no tail rotor). Two and one half years ago, before the NOTAR design was ready for operational use, an HAI member, Mr. Ron Williams, the proprietor of AirStar, deposited $40,000 so he could be the first one to deploy this technology for air tours. Mr. Williams believes in flying neighborly and he put his money where his words are.

Another tour operator, Mr. Elling Halvorson, has invested millions of his own dollars in developing the Whisper Jet helicopter. He took vintage but sturdy Sikorsky S55T airframes, installed turbine engines, special mufflers, newly developed gear boxes, and redesigned new rotor heads. I stood on the ground as the Whisper Jet flew by at 500', 1,000', and 1,500'. This aircraft is astonishingly quiet and is in the process of FAA certification. This is just another example of air-tour operators' extreme dedication to flying neighborly and quietly.

Bell Textron has installed its latest *quiet cruise* technology on its most advanced light helicopter, the Bell 407. Bell representatives state that this new technology, mostly comprised of onboard computer software, will drop the Bell 407's noise by 4 decibels. Dropping just 2 decibels requires a 50% reduction of energy in the sound wave. Bell says that pound for pound, this makes the 407 the quietest helicopter in its class. By August of 1998, Bell Textron will deliver the next generation of quiet rotor blades, which are expected to cut another 2 decibels.

As you can see, both manufacturers and operators are unquestionably dedicated to accommodating the interests of park visitors on the ground. Air-tour professionals resent being vilified by self-proclaimed environmentalists and government agency employees. Mr. Chairman, I was an aviator in Viet Nam. As such, I expected the highest level of professionalism, and was accustomed to helping out when my comrades were under attack. Mr. Chairman, we're under attack today and you are in a key position to help out the air tour industry.

There is a special working group operating under the provisions of the Aviation Rule-Making Advisory Committee, or ARAC, having representatives of both aviation and anti-aviation groups —all hand-picked by the Park Service and the FAA, studying the matter of National Park overflights. This ARAC group has diligently been working toward a consensus on this matter and will issue its report by the end of the year. It will be quite interesting to see what they decide about overflights, and how the FAA, the Park Service and Congress react to their recommendations. Because it represents a degree of consensus between the affected parties, the ARAC report and the new sound analysis should serve as good starting point for any federal actions governing National Park overflights.

In summary, Mr. Chairman, HAI strongly supports realistic efforts to enhance aviation safety and to reduce noise. We will continue to work with manufacturers to encourage the availability of quieter aircraft and engines, and we will continue to cooperate with all others who are genuinely interested in preserving our national heritage. America celebrates diversity which is reflected in the different categories of park users; our goal must be to responsibly balance the competing interests of these diverse groups. We too, are dedicated to leaving not even a mocassin print on this earth, when it is our time to leave. In the words of President Teddy Roosevelt, we will "do nothing to mar the grandeur" of our national parks.

List of Attachments

to Testimony of Frank L. Jensen, Jr.
President
Helicopter Association International

Before the House Committee on Resources Subcommittee on National Parks & Public Lands and the House Committee on Transportation and Infrastructure Subcommittee on Aviation
November 17, 1997; 9:00; Gardiner Center Ballroom in Dixie College, St. George, UT

The Honorable James V. Hansen, Chairman, presiding

Attachment Number/Title

1. *Advancement of Helicopter Safety, 1970 to 1996*; Reduced from 30.34 to 8.29 Accidents per 100,000 flying hours.

2. *Fly Neighborly Guide,* Produced by the Fly Neighborly Committee of the Helicopter Association International; revised February 1993. A summary only is included. For more information, contact HAI Government Affairs representative Bill Wanamaker at (703) 683-4646.

3. ATTACHMENT 3; DRAFT PROPOSAL FOR INTERAGENCY WORKING GROUP: FUTURE FAA-NPS PROBLEM SOLVING TEAM (Note: this document is also called ATTACHMENT 3 in the environmentalists' court filing.)

4. National Park Service document (4 pages in all) with masthead: Proposed Rulemaking for Overflights at Grand Canyon National Park. It bears no date but references FAA Docket No. 28537 and states for further information contact Ken Weber, Science Center, Grand Canyon National Park (520) 638-7753 or Maureen Otrogge, Public Affairs, Grand Canyon national Park (520) 683-7779. Uniformed NPS personnel handed these requests to GCNP visitors asking them to advocate the NPS position regarding park overflights. This was done while FAA notices of proposed rulemaking (NPRMs) were still out for public comment.

5. National Parks and Conservation Association letter dated May 20, 1994

6. National Parks and Conservation Association ALERT with no date and no authorship referencing FAA Docket Number 27643; 2 pages.

Attachment 1

Advancement of Helicopter Safety 1970 to 1996

Reduced from 30.34 to 8.29 Accidents per 100,000 flying hours

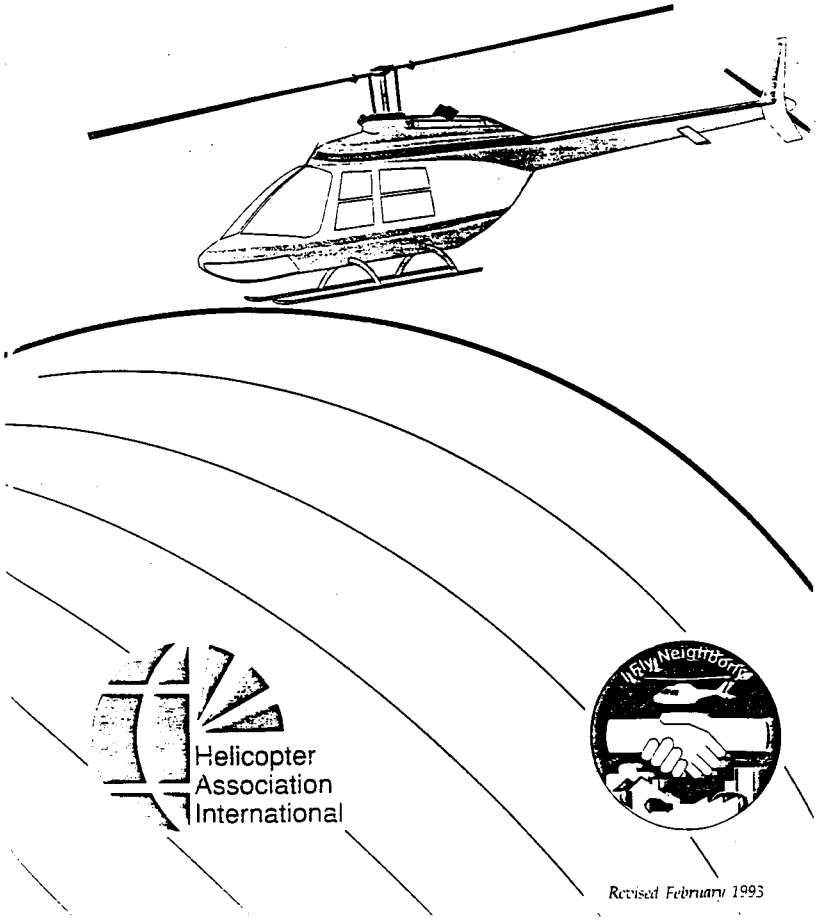
HELICOPTER SAFETY

Year	Hours Flown (Million)	Accidents /100K hrs.
1970	0.87	30.34
1975	1.50	20.60
1980	2.34	11.16
1985	2.154	9.52
1990	2.39	8.15
1995	2.09	7.75
1996	2.11	8.29

Attachment number 2

Fly Neighborly Guide

Produced by the Fly Neighborly Committee



Revised February 1993

- public acceptance and safety, and
- sensitivity to the concerns of the community.

About This Guide

The *Fly Neighborly Guide* is published under the auspices of the Helicopter Association International to promote helicopter noise abatement procedures. It is intended to serve as a guide only, and is by no means comprehensive.

Purpose

These guidelines are intended to assist pilots, operators, managers and designated Fly Neighborly officers to establish an effective, self-sustained Fly Neighborly program. The flight procedures and concepts outlined herein must be further tailored to suit local needs, and to ensure that local or regional organizations cooperate to develop a strong, well-organized and disciplined approach to achieving Fly Neighborly objectives.

Organization

This guide is divided into seven sections.The first section deals with pilot training and related noise abatement procedures. The second section describes what operators can do to promote noise abatement operations. The third section is designed to deal with community concerns and issues of public acceptance. An appendix explains the causes of helicopter noise. A glossary defines the acronyms used in this book, and the last two sections provide names, addresses, and phone numbers of helicopter manufacturers and regional affiliate members of HAI.

Administration

The HAI solicits new ideas, comments, and recommendations to improve the program. HAI's Fly Neighborly Committee, Public Relations Advisory Committee (PRAC), Safety Committee, and Heliports Committees are focal points for the development of new technical material in their respective areas. Additional guides and camera-ready copy for Fly Neighborly logos may be obtained from HAI.

The Fly Neighborly committee monitors the Fly Neighborly program, and distributes new information to participants. The committee also maintains a listing of participants and Fly Neighborly support materials.

Individuals, operators, or agencies desiring additional information should contact the Fly Neighborly staff liaison at:

Helicopter Association International
1619 Duke Street
Alexandria, VA 22314 U. S. A.
(703) 683-4646 Fax: (703) 683-4745 Telex: 89-615 HAI

Foreword

The Fly Neighborly program is a voluntary noise reduction program designed to be implemented worldwide by local helicopter operators, large and small. This program includes all types of civil, military and governmental helicopter operations.

In the fall of 1981, the U. S. Federal Aviation Administration (FAA) agreed to withdraw its Notice of Proposed Rulemaking (NPRM) on helicopter noise while technical data were acquired, with the understanding that the helicopter industry would implement a voluntary noise reduction program. We should not, however, consider the Fly Neighborly program as merely a stop-gap measure, cobbled up to preclude federal regulation. After all, the public commonly asks:

- How is technology advancing to make helicopters quieter?
- When will this technology be in daily use?

Clearly, new technology is creating quieter, more advanced equipment every day, and this equipment will eventually be commercially available. Until then, the Fly Neighborly program offers the technical information necessary for helicopter operators to use current equipment as quietly as practical, and to communicate to the public their efforts to make helicopter operations compatible with nearly all land uses.

The Helicopter Association International (HAI) Heliports and Airways Committee (HAC) originally organized this program through the HAC's Fly Neighborly Steering Committee. This committee is composed of members of HAI and governmental representatives, including the FAA, the military, and other associations. Officially launched in February 1982, the program has gained international acceptance. In the U. S. the program has gained the full support of helicopter operators, regional associations, manufacturer, pilots and communities throughout the country. Federal, state and local government agencies have embraced the program and taken an active part in sponsoring Fly Neighborly presentations in conjunction with safety seminars and other activities. Worldwide, the helicopter industry and its related communities are being informed about the Fly Neighborly Program.

Objectives

The Fly Neighborly program addresses noise abatement and public acceptance objectives with programs in the following areas:

- pilot and operator awareness,
- pilot training and indoctrination,
- flight operations planning,

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ATTACHMENT 3

DRAFT PROPOSAL FOR INTERAGENCY WORKING GROUP:
FUTURE FAA-NPS PROBLEM SOLVING TEAM

Proposal: The National Park Service (NPS) should assist the Federal Aviation Administration (FAA) in creation of a "center for excellence" within the FAA to handle NPS and other land management agency overflight issues on an ongoing basis. Each agency could contribute 1 FTE to this Center, rotating personnel through this Center every 18-24 months to facilitate problem solving and the spread of expertise in both agencies on how to deal with park and wilderness overflight issues. This might be considered similar in concept to the stationing of military personnel at FAA to address military issues. The creation of a pool of expertise will ultimately enable both agencies to be proactive in resolving these types of issues.

Background: Until fairly recently, the working relationship between FAA and NPS was one of limited contact, and those contacts which did take place were usually of a problem-oriented nature. The only real ongoing working relationship between the two agencies was at Grand Canyon National Park, where Public Law 100-91, which went into effect in 1987, required DOI and DOT to work together to substantially restore natural quiet.

In December of 1993, Transportation (DOT) Secretary Pena and Interior (DOI) Secretary Babbitt jointly established an Interagency Working Group (IWG), with ongoing responsibility for addressing park overflight issues of major significance, starting with the Grand Canyon and the two national parks in Hawaii-Haleakala and Hawaii Volcanoes. In 1994, FAA implemented an emergency rule over Hawaii after a string of crashes, some with fatalities, raised serious safety concerns there.

The President's April 22, 1996, Executive Memorandum required the issuance of a revised commercial air tour rule at Grand Canyon and a new one at Rocky Mountain. FAA assigned people from a variety of functional areas and geographic locations to develop those rules. The NPS had limited representation on the rulemaking teams. The FAA pioneered a new approach with these efforts.

Issue/Problem: While the Interagency Working Group serves as a focal point for, and provides oversight on, park overflight issues, the overwhelming majority of its time has been spent dealing with overflight issues at just a handful of parks--such as Grand Canyon, Rocky Mountain, Hawaii Volcanoes and Haleakala--and there is no specific unit within FAA to deal with NPS/DOI and other land management agency overflight issues on a continuing basis. Both agencies need better representation at the field level to work on park overflight problems. Based on experience to date, it would be well to develop an FAA-NPS team from the start.

Meanwhile, the commercial air tour industry has been growing rapidly in recent years, particularly at the Grand Canyon, Hawaii, and Colorado Plateau. Since air tours are only likely to be commercially viable over areas with scenic geographic features which can be viewed from the air, and many of those areas are managed by the National Park Service and other land management agencies, overflight issues at national park units and other public lands are likely to present ongoing management issues of major complexity, controversy, and public and media interest. Both agencies

have expressed the need to be proactive in resolving these issues before they become politically intractable.

In addition to commercial overflight issues, there are numerous issues related to military training and operational flights which create noise impacts on national park units, and there are other overflight or overflight-related issues such as those involving flights by other Federal agencies (i.e., BLM, USFS, FWS, DEA, INS, etc.); regularly scheduled commercial airline traffic; general aviation; and the building or modification of commercial/general aviation airports in or in close proximity to units of the National Park Service.

While there is considerable support and hope within NPS/DOI for the concept of an FAA unit to deal with overflight issues at national park units and similar lands managed by other agencies, there is much concern whether such a unit would have the funding, staff, visibility, or "clout" within FAA to provide the level of service needed to really solve problems. Viewed from the NPS perspective, it takes enormous effort to get on FAA's agenda or priority list. When the crisis hits, FAA brings people from various organizations and locations together to work on major NPS issues, who must be familiarized with NPS missions, objectives, and responsibilities. When another crisis hit, a new team is assembled, usually with new people who have a need for a new round of education and familiarization with the NPS This approach provides for little continuity and much inefficiency, as well as misunderstandings. Viewed from an FAA perspective, the NPS commitment to resolving these issues, judged by the difference in the level of resources the two agencies have committed to issue resolution to date, may be suspect.

Recommendation: The FAA should establish, under the "centers of excellence" concept, a small separate, ongoing unit to pro-actively deal with NPS and other land management agency overflight issues. The center would ensure that an NPS/land management agency overflight unit within FAA would have a high enough profile to acquire and maintain the resources it needed to effectively meet the needs of NPS and other agencies. FAA Employees of such a unit would necessarily gain insight into the missions, objectives, organizational cultures, etc., of the land management agencies serviced, while NPS employees of the unit would necessarily gain insight about FAA missions, etc. Also, the unit would provide a degree of continuity which has not been attained to date on park overflights. Since the President's Earth Day memo also called for the development of a national overflights rule, and we understand FAA is currently gearing up for that effort, a center with responsibility for handling NPS overflight issues and those of other land management agencies would be the logical place to assign responsibility for working on its development and, more importantly, its subsequent implementation.

NPS would team with the FAA by staffing FAA's Center for Excellence with appropriate personnel on 18-24 month details who can learn the FAA environment and how to work on problem solving there. As much as FAA needs to learn more about the NPS mission, NPS staff need to learn more about FAA airspace management and how to work in that environment to problem solve.

If approved by the Interagency Working Group, both agencies should seek to address this recommendation in the 1998 or 1999 Budget Cycles.

Attachment number 4

Proposed Rulemaking for Overflights at Grand Canyon National Park

Public input is sought regarding the proposed new rule for over-flights at Grand Canyon. Together, we can help restore one of the Park's most cherished resources: natural quiet.

The Notice of Proposed Rulemaking for Special Flight Rules in the Vicinity of Grand Canyon National Park was released July 31, 1996 by the Federal Aviation Administration (FAA). The FAA seeks public comment regarding this proposal. The public comment period ends September 30, 1996. Following this comment period, the Secretary of Transportation will make a decision on the final rule.

Background

In 1987, with the passage of the National Parks Overflights Act, Congress charged the National Park Service (NPS) and the FAA with developing a flight rule which would "substantially restore" the park's "natural quiet." Thereafter, the NPS proposed a rule, which the FAA modified for safety. The resulting regulations (SFAR 50-2) became fully effective in 1988, establishing flight-free zones over 45% of the park. Despite this, the natural quiet of the park has continued to erode as air tours have doubled since 1988, exceeding projections for the year 2000. In an effort to alleviate this degradation of park resources, the NPS and the FAA have worked on a proposal to modify SFAR 50-2. President Clinton's memorandum of April 22, 1996 directed the Secretary of Transportation to issue the proposed rulemaking within 90 days, and stated that action on the proposal is to be completed by the end of 1996. The president also called for restoration of natural quiet by 2008.

Major Points of the Proposed New Flight Rules

- **Establishes new and modifies existing flight-free zones and flight corridors.** Five flight-free zones would cover 87% of the park (at present, only 45% of the park is flight-free). The Dragon Corridor (presently above the Hermit Trail) would be adjusted slightly west to help alleviate conflicts with backcountry hikers.
- **Minimum flight altitudes** for the Zuni Point, Dragon and Tuckup corridors would not change. Minimum flight altitudes for Navajo Bridge and North Canyon corridors would be 5,000 feet above sea level for commercial air tours and 8,500 feet above sea level for general aviation.
- **Establishes reporting requirements** for numbers of flights and passengers by air tour companies operating over Grand Canyon. This will enable both the FAA and NPS to verify data used in determining the effects of aircraft overflights.
- **Calls for the development of a Comprehensive Noise Management Plan** to provide for a long-term solution. This would be completed and implemented in time to replace the temporary caps proposed (see below). Approaches to be considered in the plan would include but not be limited to, noise budgets, a freeze on the existing fleet, and further closure of corridors. Before implementation of this plan, the FAA would seek further public comment.
- **The FAA is specifically requesting public comments on the following three alternative proposals,** to be implemented separately, or combined:

(continued on last page)

What is "natural quiet?"

***Natural quiet** is the natural ambient sound conditions found in the park. The croaking of Ravens, Canyon Wrens trilling, crickets chirping, the roar of the Colorado River and the gentle rushing of streams are some of the musical elements which comprise natural quiet.*

*The National Park Service has defined **Substantial restoration of natural quiet** as, "50% or more of the Park is naturally quiet 75 to 100% of the day."*

The National Park Service is required by law to protect park resources

Congress passed ***The Organic Act*** in 1916 which established the National Park Service and gave it's mission, "...to conserve the scenery and the natural and cultural objects and the wild life 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."

The Redwood National Park Act of 1978 stated that activities authorized in the parks "...shall not be exercised in derogation of the values and purposes for which these various areas have been established...."

The National Parks Overflights Act of 1987 required NPS recommendations to provide for "substantial restoration of the natural quiet and experience of the park." This law also states that "the recommendations shall contain provisions prohibiting the flight of aircraft below the rim...and designate flight-free zones."

The National Park Service will be in violation of these laws if it does not act to protect natural quiet in Grand Canyon.

It's hard to claim that you are protecting the resource for future generations when the present one cannot walk up to the rim and wonder in silence at the amount of time represented here...

-Visitor Comment

Natural quiet is a resource to be protected at Grand Canyon National Park

The Grand Canyon Enlargement Act of 1975 identified that natural quiet and visitor experience are resources which the NPS must protect as any other resource in a national park.

Only the Federal Aviation Administration regulates the airways

The NPS has worked with the FAA in producing the new notice of proposed rulemaking which would modify the existing flight rules over Grand Canyon. The park service role has been to make recommendations which will lead to preservation of natural quiet. The FAA is responsible for ensuring the rule is safe. After public comment on the proposal, the FAA will make the final regulation.

The National Park Service is acting to mitigate noise pollution

- Making recommendations to the FAA for changes in flight rules.
- Pursuing the use of quiet aircraft for NPS operations in Grand Canyon.
- Proceeding with quiet technology for buses in the park.
- Moving toward use of the quietest technology for motorized raft engines on the Colorado River.

Just how noisy is it?

Scientific research and modelling conducted by independent scientists and reviewed by experts in the field conclusively demonstrate a continual erosion of natural quiet, due to aircraft overflights. In 1989, 43% of the park enjoyed some level of natural quiet. By 1995, that amount had decreased to only 31%. Even flight-free zones are not necessarily noise-free. Sound travels 13 to 16 miles laterally from aircraft, penetrating deeply into flight-free areas. At Point Sublime, within a flight-free zone, data indicate aircraft are heard 76% of the time.

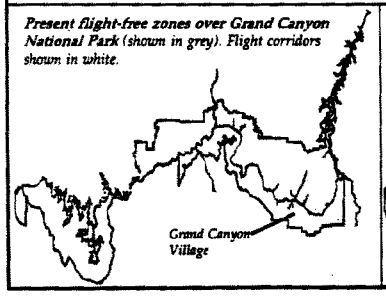
According to the air tour industry, there are currently 10,000 to 12,000 overflights per month in the busy season, probably over 80,000 overflights per year. Projected increases in air tours indicate that if nothing is done, only 10% of the park will experience substantial restoration of natural quiet by 2010.

In a nation-wide survey, over 90% of national park visitors cited enjoyment of natural quiet as an important reason for their park visit. At Grand Canyon, 38% of the autumn backcountry users, whose park experience the NPS is mandated to preserve, are very disturbed by the intrusion of aircraft sound. Some Grand Canyon visitors have likened the effect of aircraft sound to that of standing in a construction zone.

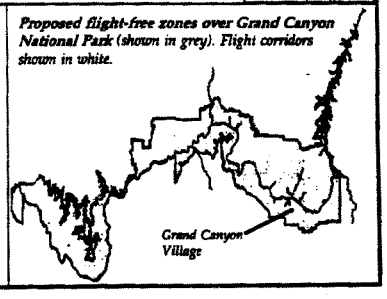
Noise associated with aircraft overflights at the Grand Canyon is causing a significant adverse effect on the natural quiet and experience of the park. Flight-free zones are not the large areas where visitors can experience the park essentially free from aircraft sound intrusion.

—The National Parks Overflights Act of 1987

Present flight-free zones over Grand Canyon National Park (shown in grey). Flight corridors shown in white.



Proposed flight-free zones over Grand Canyon National Park (shown in grey). Flight corridors shown in white.



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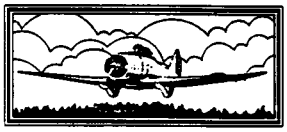
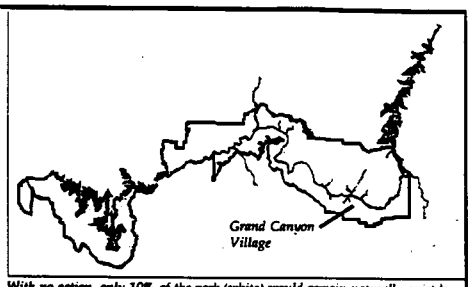
1) Fixed flight-free periods for commercial air tours within the Park from 6 PM to 8 AM in summer (May 1 through September 30) and 5 PM to 9 AM in winter (October 1 through April 30).
2) Variable flight-free periods if fixed flight-free periods are not effective at restoration of natural quiet.
3) An interim cap on the numbers of sightseeing air tours, setting the maximum number of tours at the levels which occurred from August 1, 1995 - July 31, 1996. This cap could be made effective immediately or in two years' time. This cap could be extended during the development of a Comprehensive Noise Management Plan. The FAA is considering implementing any or all three of these alternatives, and is also open to other suggestions.



For further information contact:
Ken Weber, Science Center, Grand Canyon National Park (520) 638-7753
or
Maureen Oltrogge, Public Affairs, Grand Canyon National Park (520) 638-7779



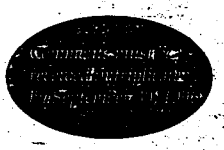
With no action, only 10% of the park (white) would remain naturally quiet by the year 2010.

The National Park Perspective

- The proposed rule is a good *first step* towards restoration of natural quiet at Grand Canyon, but the rule needs strengthening.
- If no action is taken, continued growth of the air tour industry will further erode natural quiet by 2% each year. Only 10% of the Park would experience natural quiet by the year 2010.
- The proposed caps on air tours are essential to the success of this proposal.
- *Only* with an immediate implementation of caps on air tours can the present level of natural quiet be maintained until a Comprehensive Noise Management Plan is in place.
- Proposed expanded flight-free zones and new flight-free periods will be ineffective unless the proposed caps are also adopted.
- The Comprehensive Noise Management Plan must be developed *and* implemented in order to ensure that a long-term solution is effected for the preservation of natural quiet.
- The National Park Service is committed to pursuing a *long-term* solution for preservation of natural quiet at Grand Canyon.

Your Comments Are Needed

Many people care deeply about the preservation of natural quiet in their national parks. All people who have concerns about aircraft overflights at Grand Canyon are strongly encouraged to send their comments to:



Federal Aviation Administration
Office of the Chief Counsel
Attn: Rules Docket (AGC-200)
Docket No. 28537
800 Independence Ave., SW
Washington, DC 20591

Comments may also be sent electronically to the Rules Docket by using the following internet address: npmonts@mail.hq.faa.gov.
Comments must be sent in triplicate and be marked Docket No. 28537

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Attachment number 5

National Parks
and Conservation Association

May 20, 1994

Dear Aircraft Noise Activist,

I need your help on an aircraft noise issue.

Aircraft overflights intrude on our quality of life, ruin natural peace and quiet, and interfere with animals and their habitat. Overflights, and the noise pollution they create, will finally be addressed by the FAA this summer. By writing the FAA, you can help the National Parks and Conservation Association, other conservationists, and noise pollution activists in this important campaign.

On March 17, 1994, the FAA and the National Park Service published an Advanced Notice of Proposed Rulemaking (ANPRM), asking for public comment and guidance for limiting overflights of national parks. The options being considered include voluntary restrictions on pilots, systemwide adoption of the Grand Canyon model (which allows overflights in specifically designated corridors but does not limit numbers), prohibition flights during specific time periods, altitude restrictions, and "noise budgets" that allocate aircraft noise equivalencies for specific parks.

Several of the proposed ANPRM options, such as voluntary restrictions and the Grand Canyon model, have tried before and have not resulted in reduced noise pollution or overflights. Others represent only theoretical solutions to the reduction of noise.

Any aircraft noise in the parks is anathema to the natural experience most visitors seek in the parks. We must begin our fight for the elimination of overflight disturbances by not compromising what has long been identified as a natural resource—peace and quiet in our national parks.

We must act now to propose better standards for our national parks, reject the compromise solutions suggested in the ANPRM, and demand the total elimination of aircraft from the national parks. A victory on park overflights will set a precedent for military and other aircraft disturbances of our homes, wildlife, and solitude.

That is why I've enclosed one of our Action Alerts, which we have sent to our members, to give you some background on national park overflights. I hope you will respond with a letter to the FAA today. The public comment period on ANPRM ends June 15th, so write now! The FAA's address is included in the Action A

Thanks for your help.

Sincerely,

William J. Chandler
Director, Conservation Policy

1776 Massachusetts Avenue, N.W., Washington, D.C. 20036-1904
Telephone (202) 223-NPCA(6722) • Fax (202) 659-0650

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Attachment number 6

National Parks and Conservation Association

ALERT

ACTION NEEDED TO PRESERVE PEACE AND QUIET, STOP NOISE POLLUTION IN NATIONAL PARKS

Aircraft noise is becoming a threat to the peace and quiet that is a hallmark of national parks. By writing to the Federal Aviation Administration (FAA), you can help in an important campaign to reduce noise pollution.

In parts of Grand Canyon National Park, the drone of propellers and staccato chop of helicopter blades from tour operators can be heard during 45 minutes out of every daylight hour, according to National Park Service (NPS) studies. Virtually no corner of the park remains quiet. In Hawaii, birds are forced from their nests and park visitors must shout to be heard over helicopters as pilots hug the ground so their patrons can get the closest possible view. In the Smokies, airtour brochures boast that their planes and choppers will penetrate the most remote areas of the park, search the mountain hollows, and hover over hikers enjoying the quiet of the Appalachian Trail.

The noise is not confined to just these three parks. Planes and helicopters regularly ruin the natural quiet expected by visitors and needed by wildlife in 111 parks throughout the country. It is only a matter of time before natural quiet is compromised and commercial tour aircraft intrude on the natural and historic vistas of all our parks.

Fortunately, Secretary of the Interior Bruce Babbitt and Secretary of Transportation Federico Pena have recognized the problem and have organized an interagency working group with NPS and the FAA to "explore ways to limit or reduce impacts from overflights in national parks." The problem is that the airtour industry and the FAA, whose mission is to promote aviation, do not recognize any conflict between national park values and commercial airtour overflights. This limited view fails to concede that even one overflight can destroy the natural quiet of our national parks. The FAA's position has been that aircraft noise can be adequately addressed by regulating where and when in the parks air tour operators can fly, not if they fly.

On March 17, 1994, the FAA and NPS announced their joint intention to propose new federal regulations governing where and when commercial tour operators can fly over parks. The purpose of the announcement is to solicit the public on a variety of approaches to dealing with aircraft noise in national parks. In order to blunt the airtour industry's attempts to promote and expand aviation in the parks, it is imperative that the FAA hear from citizens who recognize the importance of preserving natural and historic landscapes uncluttered by aircraft, value natural quiet as a central resource in our national parks, and consider penetration of the parks by planes and helicopters to be a serious threat. Attached to this letter are points that the FAA needs to hear from citizens like you. The time for your comments is short. ALL COMMENTS MUST BE RECEIVED BY JUNE 1, 1994. Please send your comments to:

Federal Aviation Administration
Office of General Counsel
Attention: Rules Docket (AGC-200),
Docket No. 27643
800 Independence Ave., S.W.
Washington, DC 20591

Thanks for your help.

BACKGROUND INFORMATION

Please make the following points in your letter:

▲ Aircraft flying over our parks shatter natural quiet, disturb wildlife, and degrade natural and historic landscapes by creating visual intrusions. Give examples from your own experience of how aircraft overflights have disturbed you..

▲ The importance of preserving natural quiet should not be dismissed. Natural quiet is a fundamental resource in our national parks as worthy of protection and preservation as clean water, wildlife, pure air, and untouched landscapes.

▲ Aircraft noise is fundamentally incompatible with national park values.

▲ All possible steps should be taken to eliminate aircraft overflights in our parks. Recommend that:

—Commercial aircraft overflight tours should be banned over units of the National Park System.

—An immediate ban is needed to protect "quiet" park units that currently have no commercial aircraft tour activity. Existing commercial sightseeing tours over parks should be phased out over a reasonable period of time.

▲ Voluntary or self-regulatory measures by aircraft operators will not solve the problem; the problem is the basic incompatibility between aircraft tours and the preservation of natural quiet and uncluttered landscapes.

GAMA

General Aviation Manufacturers Association
1400 K Street NW, Suite 801
Washington, DC 20005-2485
(202) 393-1500 • Fax (202) 842-4063

Joint Field Hearing
of
House National Parks and Public Lands Subcommittee and House Aviation Subcommittee
on
Control of Airspace Over National Parks
November 17, 1997

General Aviation Manufacturers Association
Ronald Swanda
Vice President, Operations

The General Aviation Manufacturers Association (GAMA) appreciates the opportunity to present testimony to the House National Parks and Public Lands Subcommittee and the House Aviation Subcommittee on the control of airspace over national parks.

GAMA represents 53 U.S. manufacturers of general aviation aircraft, engines, avionics and other component parts. As a result, GAMA members build many of the aircraft used by commercial sightseeing operators for flights over the national parks. GAMA members also manufacture many of the aircraft that simply fly over national parks on their way from point A to point B.

Due to a perception that aircraft noise is impacting visitors to our national parks, numerous proposals have been put forward by many different interests to change the current system governing national park overflights. In our testimony, we address some of the problem areas found in each of the proposals including the broadening of airspace management authority beyond the FAA, treating aviation noise differently than other noise, "natural quiet" through quiet technology, restricting citizen access to the national parks, and the degradation of capacity and efficiency of the national air transportation system. GAMA questions the methodology used to measure the perceived problem and is concerned that the proposed solutions will have unintended and negative consequences.

Broadening Airspace Management Authority to More Than One Entity

GAMA is greatly concerned about any change in the regulatory philosophy that would transfer a degree of control over the airspace above national parks to the Department of the Interior (DOI). In 1958, as a result of a mid-air collision between military and civilian aircraft over the Grand Canyon, Congress created the Federal Aviation Agency (FAA) and gave it authority over all domestic airspace.

For both safety and efficiency reasons, the FAA was created with the philosophy that the U.S. would have one and only one regulatory authority for all U.S. airspace. The authors of the original FAA Act hoped this philosophy would guarantee a uniform level of safety throughout the country and ensure consistent responsibility for separation of air traffic. Time has shown the merits of this philosophy. Today, the United States has by far the safest, largest, most diverse and integrated air transportation system in the world.

Giving the DOI authority over the national parks' airspace would erode the philosophy of one entity maintaining sole authority over our nation's airspace. It also calls into question where the erosion will end. For example, will the Department of Agriculture request the authority to make binding recommendations about airspace over national forests? Will states or local governments seek to restrict airspace over state-owned or locally-owned property?

It is important to note that the FAA's role as the sole authority over the air transportation system does not exclude the DOI, the National Park Service and groups representing the users of our national parks from commenting to the FAA on the use of airspace over national parks. Their comments should be fully considered by the FAA.

However, GAMA believes the Congress was right when it gave one civilian agency the authority over all airspace and that philosophy should continue without erosion. Broadening airspace management to include the DOI could make our system less safe and less efficient.

Treating Aviation Noise Differently Than Other Noise

In analyzing the problems of aircraft use over national parks, the proposals treat aviation noise differently than other noise. GAMA believes their methodology is flawed. Although other transportation modes and operations generate significant noise, often exceeding that generated by aircraft, some proposals seek to restrict the airspace over national parks as the sole remedy and do not address other noise sources. The fact is there are many possible noise sources within national parks, including automobiles, snowmobiles, chain saws, motorcycles, portable power generators and boat motors. Completely eliminating one source may do little or nothing to reduce overall noise levels. Without a comprehensive and accurate study of the noise emissions from <u>all</u> these sources, regulatory control of noise levels seems arbitrary and capricious.

In addition, past studies of aircraft noise have been based on the noise level for the purpose of certification. Certification noise criteria are inappropriate for use in other contexts because aircraft certification noise levels do not necessarily indicate the actual noise an aircraft will produce in flight. Pilots can use reduced-noise operating procedures during any phase of flight, and these procedures will reduce noise below certificated levels by as much as 30 percent. In addition, FAA's published noise certification levels for an aircraft only measure take-off and climb-out noise, they do not measure "enroute noise".

"Natural Quiet" Through Quiet Technology

Some of the proposals to regulate use of airspace over national parks revolve around the concept of "natural quiet" and rely on so-called quiet technology to reach their goals. The concept of "natural quiet" is entirely subjective, and thus may be impossible to achieve. Manufacturers and operators cannot be expected to meet such a subjective standard. In addition, "quiet technology" is also not a defined concept.

In 1994, the Congress directed the FAA and NASA to jointly conduct a noise study to investigate the status of propeller-driven airplane and rotorcraft noise reduction technology. GAMA participated in this effort and agrees with the 1996 final report that although noise reduction technologies exist, the noise reduction potential is limited to a few decibels in most practical applications. Therefore, a quantum leap from current technology is required if we are to produce any measurable aircraft noise reduction through design changes. This is still many years away.

That is not to say the general aviation industry is not actively involved in research. One exciting program is NASA's General Aviation Propulsion Program (GAPP) in which manufacturers are developing a smaller and more efficient turbine engine. The GAPP engine has significantly lower noise levels than existing engine technologies.

Without clearly defined goals, the proposals to restrict use of airspace over national parks cannot be adequately evaluated. Should the proposals go forward with vague definitions of key provisions, there may be unintended and negative consequences.

Restricting Citizen Access to the Grand Canyon and Other National Parks

One result of limiting air tours would be to restrict access to national parks. There are many ways to enjoy the beauty of our national parks - by land, water or air. Because of physical infirmities, time constraints and other factors, some persons are limited in the manner in which they can view a national park. Nevertheless, all persons should have the opportunity to enjoy the wonders of our national parks in some manner. For many persons, commercial sightseeing operations are the only way they can see our national parks and they should not be denied the opportunity.

Other Consequences: Capacity and Efficiency

While we recognize that many proposals intend to regulate only commercial air tour operations, we are concerned about the possible impact on other forms of aviation, in particular, general aviation. It has been estimated that the airspace over the nation's national parks constitutes over ten percent of all U.S. domestic airspace. If general aviation aircraft, which are often unpressurized and cannot fly above certain altitudes, were banned from flying in this airspace, flights attempting to travel in the area would necessarily be longer and more circuitous, fuel consumption would be increased and operating costs would be higher. Thus, capacity and efficiency would be degraded.

FAA must maintain the ability to make decisions based on reasons related to capacity or efficiency. DOI should not have the authority to make decisions that could have a vast impact on the entire air transportation system based upon their limited goals and interest in only ten percent of the airspace - not the broader goal of a safe and efficient national air transportation system. This is not a policy that is in the best national interest.

Conclusion

The final authority for all U.S. airspace is, and should remain, the FAA. The FAA alone is technically equipped to balance diverse national needs with the needs of the traveling public.

We thank you for this opportunity to testify on this important issue.

STATEMENT OF

JOHN SULLIVAN, CHAIRMAN

My name is John Sullivan and I represent the Grand Canyon Air Tour Council, a non-profit organization based in Las Vegas which represents air tour operators. I am also an owner of Sundance Helicopters in Las Vegas which conducts sightseeing tours to the West End of the Grand Canyon. I want to thank Chairman Hansen and Chairman Duncan for this opportunity to speak here today concerning the question of overflights of national parks. I will speak primarily about the situation in the Grand Canyon of which I am very familiar. I think the Grand Canyon could and should be considered a model for other park units where air tours are conducted now or where they may be conducted in the future.

The present Grand Canyon overflight situation is an interesting story of imposing new restrictions or solutions to problems that were fixed ten years ago. It is a an example of pulling defeat out of the jaws of victory or making a mountain out of a canyon.

Ten years ago there were problems in the canyon that needed to be addressed. There were safety problems culminating in a mid-air collision between tour aircraft in 1986 and there were some environmental impact problems as well. As a result we had the National Overflight Act which resulted in the creation the SFAR 50-2 airspace system in place today. This system created a network of air tour routes in the Grand Canyon that overfly approximately 16% of park lands. The rest is off limits to air tour aircraft. This system eliminated below the rim flights and imposed additional pilot training requirements on air tour operators.

So how has it worked? It was created to improve the safety record or air tours and to provide a natural quiet experience for park visitors. This natural quiet stuff is a little ambiguous and open to interpretation but it is obvious to me from reading the law that what Congress intended was for the agencies (FAA and Park Service) to accommodate air tours while protecting the ground visitors from the noise of aircraft. The system has been a resounding success in accomplishing both goals. On the safety issue there has never been an accident in the SFAR 50-2 airspace. The present safety record for the Grand Canyon air tour industry is nothing less than remarkable particularly considering the nature of this operation and environment which is relatively low level flights over remote and jagged terrain in small airplanes and helicopters. The present accident rate is better than the commuter airline industry nationwide and three times better than the commercial air taxi industry nationwide. There has not been an injury or fatality accident in over three years and over a half a million flight hours.

On the environmental side complaints about aircraft have declined more than 90% since the SFAR system was put in place. Today there are about 3 complaints per month out of about 5,000,000 visitors annually. A visitor survey conducted by the National Park Service recently indicated that over 92% of all park visitors reported

there was no impact from aircraft. Not slight or moderate impact - NONE. Even the most sensitive backcountry user group surveyed - those who take non-motorized float trips down the Colorado River - reported no impact by nearly 70% of that group. As Nevada Governor Bob Miller pointed out recently in a letter to the Secretary of Transportation there are presently more complaints about mules in the Grand Canyon than about aircraft.

Anti aviation persons and groups will come before you today and tell you there is no place you can go to escape the noise of aircraft in the Grand Canyon. I would never call anyone a liar but lets just say some people are factually challenged. I would advise anyone interested in this issue to go and see and hear for yourself. The Grand Canyon is just 58 miles south of here as the crow flies, about a 20 minute flight in a small plane. If you do go you will hear and see that someone is pulling your leg about this quote unquote awful problem with overflights. I was in Senator Harry Reid's office a couple of years ago and I said to Senator Reid that if our aircraft were bothering anybody out there than we would agree additional new restrictions would be appropriate. Senator Reid said he just completed a 6 day 5 night raft trip down the Colorado River that took him through the heart and soul of this 277 mile long natural wonder. During that time he said he saw and heard one aircraft.

So if we fixed the problem ten years ago what is going on here? Well in 1992 we had an election and a new administration went to Washington. Opponents of overflights namely two environment groups, the Grand Canyon Trust and the National Parks and Conservation Association, and their allies inside our government in the Department of Interior saw this election as an opportunity to finally do in the air tour industry. All of the sudden the goal was no longer to protect the visitors from the sound of aircraft. We were now also to provide a natural quiet experience for the rocks as well. In other words the standard was changed. Natural quiet is no longer about visitors at all. In 1992 it became the pursuit of quiet for quiets sake even where there <u>are</u> no visitors which is true in the 16% of the park that we were forced into 10 years ago.

It appears to us who are embroiled in this war that what is needed now is new legislation that clears up some of the ambiguities and opportunities for radical interpretations that now exit. This legislation should address the jurisdictional turf fight between the FAA and the Park Service. The FAA must remain in control of the airspace over this country. Period. To allow one land management agency to dictate airspace management will invite all land management agencies to do the same. It will begin a process of piece meal dismantling of our national air transportation system one park and forest and monument at a time. And it will be a disaster for air transportation in this country particularly in the west where there are many big parks and so much public land.

(3)

Secondly the legislation needs to clarify this natural quiet stuff so the agencies won't again run amok whenever there is a change in residents of the White House. Air tours should be managed in some parks where a certain volume of activity warrants this management. But tour routes and altitude restrictions need to be reasonable and based on minimizing the impact on park visitors and not this present nonsense of protecting quiet for quiets sake especially when this means the destruction of an important little industry that has done a safe, efficient job of providing a quality service to hundreds of thousands of people per year, many of whom are unable to visit the parks in any other way.

Thank you again for this opportunity to comment.

PREPARED BY
DATE

~~For the record~~

Good morning! For the record I am Deby Giles and I reside at 4134 East 132 North Rigby, Idaho. Just as the Small Business Administration was interested in the impact of the proposed flight rules would have on small businesses. I represent a group of individuals who are also interested in what the proposed rules would do to our ability as the handicapped to view the Grand Canyon and other national parks. I also represent a group of individuals whose age won't allow them

(83)

PREPARED BY
DATE

to hike, float or ride an animal
to see these great parks. I'm
sure that those who oppose flying
over our parks have good intentions
but they clearly have left the handicapped
out of their equation. There is no one
who can begin to understand how
confining a wheel chair can be unless you
have occupied one. ~~and~~ the very idea
of some one depriving me or one of the
few real joys in life - that of
seeing nature from an airplane offends
me and im sure others who share my
situation will feel the same. I'm especially
disturbed when I read that aircraft (87)

PREPARED BY
DATE

sounds have no adverse impact on animal life, vegetation, ~~arch~~ archeological sites or the land itself. I also understand the number of complaints that the park service received last year was also insignificant. I believe the figure was 25 out of 5 million visitors. Then how next it was to see the Grand Canyon. A lifetime opportunity.

Close by saying thank you for allowing me to speak. I hope you won't allow this prohibition to take place that clearly excludes the handicapped.

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JOINT FIELD HEARING

OF

HOUSE NATIONAL PARKS AND PUBLIC LANDS SUBCOMMITTEE AND HOUSE AVIATION SUBCOMMITTEE

ON

CONTROL OF AIRSPACE OVER NATIONAL PARKS

NOVEMBER 17, 1997

Comments for the Hearing Record:

submitted by:

Dick Hingson, Conservation Coordinator
Sierra Club Angeles Chapter
November 26, 1997

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The Sierra Club for at least a half century has been increasingly concerned at the degrading impact of increasingly energy intensive, often noisy, power based forms of recreation being marketed and targeted without limit towards National Park visitors. The national park ideal is being dangerously compromised.

"REFLECTIVE RECREATION" AS A CORE PARK VALUE
The dilemma for public policy has been succinctly and elegantly presented in the 1980 book[1] by environmental law professor Joseph Sax, Mountains Without Handrails: Reflections on the National Parks. (See **Attachment #1** summary; interested persons are encouraged to read the book.)

The central thesis of Sax is that **"reflective recreation"** (i.e. nature immersion with a minimum of artificially intrusive distractions) is at the core of why we preserved these park treasures, and is core to the truly rare, quality, intense visitor experiences these settings afford.

Sax claims no "proof" that "reflective recreation" is the highest value of the park experience (and, he acknowledges other values). He does, however, rest his thesis quite persuasively upon the testimony of the most experienced nature writers and natural

history observers over many decades, whose ideas deserve at least serious respect and consideration.

As Sax points out, the engagement of the contemplative faculty using the five senses, is the basis of"reflective recreation" in a nature oriented context. This is the key to full appreciation of nature--in all its awesomeness and grandeur, complexity and indeed unfamiliarity to the human mind.

But what we are finding more and more in the parks is heavily motorized, insulated tourism -- and the distracting **noise** of endless **motors** -- which is depleting the natural quiet and erasing the symbolic value and message of the parks.

The Sierra Club believes with Sax that the burden of proof that there is no alternative except the <u>use of parklands</u> for "industrial tourism" and conventional recreation must be shifted firmly to the conventional recreationists and their suppliers.

To do otherwise is to transform these enchanted domains into mass commodities, significantly depleted and derogated.

Aircraft thrill rides can contribute immeasurably to that degradation, if allowed in any sizeable numbers, because they fragment the natural quiet with their all-pervasive, intrusive noise power, spreading over many square miles of otherwise pristine landscapes and soundscapes.

For example, it was just into the St. George hearing that we heard (from Nevada's Representative Ensign, and from Randall Walker of Clark County Dept of Aviation) that the needs of foreign tourists "with not enough time" somehow justify their dominance of everyone else's ground experience with multitudinous, noisy, rented airplanes.

Therein lies a big problem, a problem that Joseph Sax was much concerned with. People with "not enough time" exist throughout our nation and world, but in their rush (particularly if with dollars) and lack of "making time", they are allowed to noisily dominate the Park through intensiveness of consumption (in this case the soundscape), thereby depleting the rare natural quiet which provides enjoyment for the ground visitors and dignity to the Canyon. This is disrespectful, poor etiquette to the Canyon and to its outside ground visitors. It is simply wrong. It has become, at these levels of use, a form of "airway robbery" of Park and visitors.

It is important to understand just how very fragile is the resource and attribute of natural quiet. The Park Service, in its 1994 Report to Congress, quite succinctly states: "The Natural Quiet to be Preserved is the lower end of the ambient sound level range that occurs regularly between wind gusts, animal sounds, i.e. below the average natural sound level, and with no aircraft audible at any time."[2]

Particularly in the southwestern desert parks and in the Colorado Plateau "Color Country" parks, as well as in certain Hawaii parks, that sound level range includes the most profound, awesome silences, with sound levels prolonged often below 15 dBA.[3] Such silences exceed those of the most sophisticated sound studios, and they provide the matrix of the high fidelity, bold and subtle, natural sounds that the ear picks up as belonging to wind, water, or wildlife. Indeed, the silences themselves are wonderful to experience, in their own right[4]- **(Attachment #2)**.

In such park settings a single helicopter or low airplane smears noisy motor noise across many square miles of parkland, trails, vista points, etc., in its traverse of the park. Imagine, then, the annoying noise intrusions that a huge fleet of nearly 300 noisy aircraft and helicopters can generate between sunrise and sunset, as has developed at the Grand Canyon.

NOISE ABATEMENT CRITERIA:
An obvious question was pressed from the podium in St. George, "Just what do we consider an acceptable number of flights? How many? How many?"

The question is of course worth answering, not only for the Grand Canyon, with its very acute problem, but for other, threatened parks such as Zion and Bryce and Canyonlands, and Haleakala, to name a few.

Those interested in the answers will find many clues and grounding by carefully reviewing the 1994 NPS Report to Congress, which suggests specific, audibility based criteria far more appropriate to park settings than anything found in current FAA "established thresholds". **These FAA standards are grossly inapplicable to national parks.[5] (Attachment #3)**

So the answers are not necessarily couched simply in "numbers of flights". The Sierra Club and other environmental organizations recently addressed the Grand Canyon National Park restoration dilemma in the D.C. Court of Appeals. There we said we believed the "substantial restoration" mandate of Public Law 100-91 (passed by Congress in 1987) would require the National Park Service to order that "at least 50% of the Park be quiet all the time." The "number of flights" in that half would then be 0.

In the other 50% of the Park the Sierra Club believes that the flights should be audible not more than 20% of the time on an area-time basis. (One mechanism for that would then be to allow air tour noise to intrude upon 20% of that half of the park, all of the time, with the remaining 80% of that half noise-free, all of the time. Other specific adaptations to meet this criteria could be imagined, of course.)

In any case, the net result for the entire Park, on an area-time basis, would then be 10% noisy, 90% noise-free. This has been

the Sierra Club's position since 1994. The exact number of flights would depend upon the actual alignment of corridors and usage frequencies, and technical matters, to meet the standard.

However, this is all specific to the Grand Canyon. Whereas circumstances there might present such an outcome as the most realistic, or desirable for "substantial restoration" purposes, in many or most other parks full preservation of natural quiet would be a reasonable goal. That would mean 0 flights in such parks, as presently is the case in Rocky Mountain National Park.

Other audibility-based or sound-averaging triggering criteria, based on NPS dose-response studies , have been suggested as alternative means of helping to deal with this problem. The "number of flights" limit would be calculable from such criteria. (Many of these studies are referenced in a recent update--see Attachment "4." The Park Service has made recommendations to the Federal Interagency Committee on Aircraft Noise (FICAN) as well, to adopt appropriate "triggers" for aviation noise abatement in parks, for revisions to land use compatibility policies, and for other alternate methods, including other metrics, for analyzing aircraft noise in outdoor recreation settings.)

Aircraft noise intrusions can disrupt/derogate attentive listening and the contemplative park enjoyment just as surely as do buzzers and alarms or indeed motor noise in the midst of symphony hall.

NPOWG WORK-IN-PROGRESS (interim Angeles Chapter staff position): We have seen drafts of the work soon to be presented to the FAA and the NPS from the special "100-day" Working Group (NPOWG). In this regard, the Sierra Club - Angeles Chapter staff interim position calls for a **moratorium** of at least **ten** years on new overflights patterns in parks where none now exist. For at least 25 of these parks, a **permanent ban** should be established.

Air tours now present should be frozen at current levels, save the Grand Canyon, where they need to be sharply curtailed. In the Hawaii parks, and at Bryce Canyon, current air tour operations are all inappropriate and should be replaced by an immediate, permanent ban.

The rules being formulated from the NPOWG recommendation could conceivably be "piloted" for no more than five (5) parks, broadly distributed across regions of the park system, beginning during the ten-year moratorium. We would limit it to that for now because the record of the last twenty years plainly dictates it. Neither the Department of Interior, nor the Park Service, and certainly not the FAA, when it was on the line, have had the foresight or spine, political will or resources or standards, to adequately and promptly protect our park treasures from air tour noise. Only a rigorously cautious, limited, trial "pilot

program" **might** be warranted for many years. This period would give us time to examine if air tours are realistically manageable at all in the parks.

Sierra Club will fully evaluate proposed rules when published for comment, and we will review our position accordingly.

UNLV STUDY ON FOREIGN TOURIST DISPLACEMENT
We would encourage healthy skepticism for any study that concludes, as per Clark County testimony, that over a hundred foreign tourists a day would be discouraged from coming to Las Vegas simply by dint of there being the new Grand Canyon air tour regulations! That seems on the face of it preposterous; in any case Las Vegas and the air tour operators already have enormous amounts of remunerative tourism. (Even if such losses obtained, we join with Sax in encouraging quality park experience over hurried, commoditized "access" which is as much a thrill ride as anything else, at everyone else's expense.)

SKYWEST TESTIMONY RE ROUTES OVER "UNVISITED" PARTS OF THE GRAND CANYON

One ought ask Skywest (Scenic), do "virtually unvisited" parts of Grand Canyon (cited in their testimony as being their route pattern) include Toroweap Overlook, Point Sublime, the Ken Patrick Trail (near Point Imperial) or Cape Final (near Cape Royal)? These North Rim viewpoints are all frequently visited by car and by short hikes reasonable for all ages. They are heavily impacted by current air tour routes. The aviation noise at all of these sites under current rulemaking is or will soon be well in excess of 50% of time audible. At Toroweap it is now 63% according to the latest EA and in another ten years will be 90%.

WHO HAS "EXPERTISE" ON NOISE ISSUES?
Clark County (Nev) criticizes NPS as not having expertise on noise issues. Our view is that if FAA had the "necessary expertise" on noise issues appropriate to national parks, they would long ago have adopted standards appropriate for national parks. (FAA's "ears" don't really hear much of anything below 60 dBA! That's mainly because it suits them not to hear. But the parks deal with a wholly separate range, mostly 15 dBA to 45 dBA, completely different from areas commonly around urban airports. This hearing range is just as meaningful to park visitors, indeed is sought after, compared with the 50 dBA to 95 dBA ranges of urban environments and with which FAA is more familiar.)

Clark County (Page 5 - Point 2, in Supplemental Statement) further dismisses the 20 dB range as meaningless, except in "early morning". We respond that in desert parks such as Grand Canyon, this range is relevant all day long, because the quieter intervals, absent wind, water, wildlife noise, still rest at or below the 20 dB level. Clark County is simply inaccurate in their assertion.

Clark County's assertion (Page 9) of an "international disgrace" is misdirected. In fact, the United States has allowed a World Heritage site to become degraded by the poor etiquette of an insensitive or unknowing portion of clientele responding to aggressive marketing abroad.

In this regard we submit for the record this statement recently received from one of our members, Judy Anderson, about her visit to the North Rim in September. She wrote to about 40 Sierra Club members by e-mail on 10/11/97:

> "Two weekends ago I finally visited the North Rim. I must admit...I got a gut reaction when I hiked to several points on the eastern escarpment and was forced to listen to and watch the planes and 'copters meandering around below me in an unending parade, one replaced by another -- at one point I could see and hear five. Universal grumbles were voiced by all those around me, many of them visitors from Spain, France, Germany, Italy, etc.. ."

That is the true "international disgrace" with which we are faced.

FEES FOR AIR TOURS (interim Angeles Chapter staff position):

The fees for scenic tour aircraft traversing the Grand Canyon should be set at least ten times higher than they now are, based on the consumption of extremely fragile resources of the Grand Canyon National Park.

REFERENCES

1. Sax, Joseph, "Mountains Without Handrails: Reflections on the National Parks" (1980, Univ. of Michigan Press) **Attachment #1**

2. National Park Service Report to Congress on "Effects of Aircraft Overflights on the National Park System", 1994 at Sec. 3.4

3. Ibid., at Sec. 2.3 Figures for Grand Canyon National Park

4. Iyer, Pico, "The Eloquent Sounds of Silence" (preface of 1994 NPS Report to Congress) - **Attachment #2**

5. Fidell, Sanford, "Comments on the Noise Impact Analyses in the 1994 Final Environmental Impact Statement for Homestead AFB Disposal and Re-use" (BBN Acoustic Technologies, Canoga Park, CA - Oct., 1997) - **Attachment #3**

6. Ernenwein, Richard L., "Aircraft Overflights and the U.S. National Park System: An Overview", in Making Protection Work: Proceedings of the Ninth Conference on Research and Resource Management in Parks and Public Lands, pp. 59-63. (David Harmon, ed., The George Wright Society, Hancock, Michigan, 1997) - **Attachment #4**

7. NPS Recommendation - quoted in Fidell, op cit.

ATTACHMENT #1

SOME CORE IDEAS FROM
"MOUNTAINS WITHOUT HANDRAILS: Reflections on the National Parks"
BY JOSEPH SAX

--- selected verbatim and slightly adapted/expanded
by Dick Hingson

The motorized style of modern tourism has reached unprecedented levels which deprive the parks not only of natural quiet, but also their central symbolism. Their basic message is lost, about the relationship between man and nature and man and industrial society. For an essential part of the parks' symbolic value-- that must be preserved-- is that they are symbols of restraint, human limits, and the harmonious adaptations of nature.

The relentless sound of motors should not, therefore, become dominant over or interfere with natural quiet. In truth, the motors belong only most circumspectly -- if at all -- in and over such places. The more dominant their potential, the less they belong.

It is (1) the preservation of scenery, together with (2) the preservation of natural quiet, that provides the strongest stimulus to engage the contemplative faculty. This preservation is what the parks require to assure there will be the fewest artificial distractions of the senses to impede an independent and personal, absorbing, contemplative experience.

Motorized insulation from the possibility of such experience, as well as outright derogation of it, is in the long run detrimental to the purposes for which the parks were set aside: namely, to afford opportunity for intensity of experience and inspiration: an intensity of mental experience and of detail beyond the simply physical.

In truth, the parks thus afford respite, contrast, contemplation and affirmation of values for those otherwise dominated by the workaday world and all its noisy technology.

We assert then, that nature (in all its awesomeness and grandeur, its complexity and indeed unfamiliarity to the urban mind) is best respected, protected, enjoyed and absorbed by what might be called **"reflective recreation"** -- with a minimum of distraction.

People therefore need -- if they are to realize their own potential in parks -- to pay attention to what they ought to want as well as to what they now "want". While this policy in many instances can accommodate to a substantial continuation of ordinary tourism as the routine recreation of most people most of the time, there must be severe limits to this accommodation in the case of recreation increasingly based on power, noise, consumption and speed.

We therefore would urge -- as a deliberate policy of the parks -- that all visitors be encouraged when in the parks to try recreation more challenging and demanding -- mentally and physically, and requiring more time expended -- than they would otherwise. The burden of any proof that there is no alternative except the use of parklands for conventional recreation must be shifted firmly to the conventional recreationists and their suppliers.

In like manner, there must also be a deliberate policy of moderating total "demand" for the kinds of conventional recreation that are most in conflict with "reflective recreation", i.e. those forms whose satisfactions are directly correlated to ever-increasing, insatiable exercise of power and consumption.

As a principle of public policy, we need in parks to substitute intensiveness of **experience** for intensiveness of **consumption**.* We need a willingness, at last, to value a certain kind of experience ("reflective recreation") highly enough that we are prepared in the parks to have fewer opportunities for access to fewer physical places for a different sort of experience when/where we do get access. Quality of experience therefore becomes increasingly valued over quantity of experience, and over experience achievable only by rawly intrusive, widely distracting, technological domination.

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* In this regard, pace matters. Intensity of concentration on the natural scene and attentiveness to detail are simply less likely to occur within insulated vehicles at 40 mph, let alone aircraft at over 100 mph! For this reason, it is appropriate to discourage or cap motorized travel, and, most stringently, airborne motorized travel. Indeed, it is the enormously pervasive and distracting NOISE power of aircraft that provides additional reason to not allow them at all in such settings.

ATTACHMENT #2

The Eloquent Sounds of Silence

Everyone of us knows the sensation of going up, on retreat, to a high place and feeling ourselves so lifted up that we can hardly imagine the circumstances of our usual lives, or all the things that make us fret. In such a place, in such a state, we start to recite the standard litany: that silence is sunshine, where company is clouds; that silence is rapture, where company is doubt; that silence is golden, where company is brass.

But silence is not so easily won. And before we race off to go prospecting in those hills, we might usefully recall that fool's gold is much more common and that gold has to be panned for, dug out from other substances. "All profound things and emotions of things are preceded and attended by Silence," wrote Herman Melville, one of the loftiest and most eloquent of souls. Working himself up to an ever more thunderous cry of affirmation, he went on. "Silence is the general consecration of the universe. Silence is the invisible laying on of the Divine Pontiff's hands upon the world. Silence is the only Voice of our God." For Melville, though, silence finally meant darkness and hopelessness and self-annihilation. Devastated by the silence that greeted his heartfelt novels, he retired into a public silence from which he did not emerge for more than 30 years. Then, just before his death, he came forth with his final utterance—the luminous tale of Billy Budd—and showed that silence is only as worthy as what we can bring back from it.

We have to earn silence, then, to work for it: to make it not an absence but a presence; not emptiness but repletion. Silence is something more than just a pause; it is that enchanted place where space is cleared and time is stayed and the horizon itself expands. In silence, we often say, we can hear ourselves think; but what is truer to say is that in silence we can hear ourselves not think, and so sink below our selves into a place far deeper than , mere thought allows. In silence, we might better say, we can hear someone else think.

Or simply breathe. For silence is responsiveness, and in silence we can listen to something behind the clamor of the world. "A man who loves God, necessarily loves silence," wrote Thomas Merton, who was, as a Trappist, a connoisseur, a caretaker of silences. It is no coincidence that places of worship are places of silence; if idleness is the devil's playground, silence may be the angels'. It is no surprise that silence is an anagram of license. And it is only right that Quakers all but worship silence, for it is the place where everyone finds his God, however he may express it. Silence is an ecumenical state, beyond the doctrines and divisions created by the mind. If everyone has a spiritual story to tell of his life, everyone has a spiritual silence to preserve.

So it is that we might almost say silence is the tribute we pay to holiness; we slip off words when we enter a sacred space, just as we slip off shoes. A "moment of silence" is the highest honor we can pay someone; it is the point at which the mind stops and something else takes over (words run out when feelings rush in). A "vow of silence" is for holy men the highest devotional act. We hold our breath, we hold our words; we suspend our chattering selves and let ourselves "fall silent," and fall into the highest place of all.

It often seems that the world is getting noisier these days: in Japan, which may be a model of our future, cars and buses have voices, doors and elevators speak. The answering machine talks to us, and for us, somewhere above the din of the TV; the Walkman preserves a public silence but ensures that we need never—in the bathtub, on a mountaintop, even at our desks—be without the clangor of the world. White noise becomes the aural equivalent of the clash of images, the nonstop blast of fragments that increasingly agitates our minds. As Ben Okri, the young Nigerian novelist, puts it, "When chaos is the god of an era, clamorous music is the deity's chief instrument."

There is, of course, a place for noise, as there is for daily lives. There is a place for roaring, for the shouting exultation of a baseball game, for hymns and spoken prayers, for orchestras and cries of pleasure. Silence, like all the best things, is best appreciated in its absence: if noise is the signature tune of the world, silence is the music of the other world, the closest thing we know to the harmony of the spheres. But the greatest charm of noise is when it ceases. In silence, suddenly, it seems as if all the windows of the world are thrown open and everything is as clear as on a morning after the rain. Silence, ideally hums. It charges the air. In Tibet, where the silence has a tragic cause, it is still quickened by the fluttering of prayer flag, the tolling of temple bells, the roar of wind across the plains, the memory of chant.

Silence, then, could be said to be the ultimate province of trust: it is the place where we trust ourselves to be alone; where we trust others to understand the things we do not say; where we trust a higher harmony to assert itself. We all know how treacherous are words, and how often we use them to paper over embarrassment, or emptiness, or fear of the larger spaces that silence brings. "Words, words, words" commit us to positions we do not really hold, the imperatives of chatter; words are what we use for lies, false promises and gossip. We babble with strangers; with intimates we can be silent. We "make conversation" when we are alone, or with those so close to us that we can afford to be alone with them.

In love, we are speechless; in awe, we say, words fail us.

— Pico Iye

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Attachment #3

COMMENTS ON THE NOISE IMPACT ANALYSES IN THE 1994 FINAL ENVIRONMENTAL IMPACT STATEMENT FOR HOMESTEAD AFB DISPOSAL AND REUSE

Prepared by Dr. Sanford Fidell
BBN Acoustic Technologies
BBN Technologies

October 7, 1997

Comments on the Noise Impact Analyses in the 1994 Final Environmental Impact Statement For Homestead AFB Disposal and Reuse

I. The EIS and Subsequent Noise Analyses Do Not Provide an Adequate Assessment of Noise Impacts on the Adjacent National Parks

The assessments of aircraft noise impacts on Everglades and Biscayne National Parks in the 1994 Final Environmental Impact Statement ("EIS") for Homestead AFB Disposal and Reuse, along with subsequent noise analyses,[1] are defective in two principal ways:

- The Final EIS and subsequent noise analyses fail to consider—much less examine or interpret—aircraft noise impacts on park lands in terms other than those developed for application in urban and inhabited areas.

- The extent of the noise impact analyses in the Final EIS and subsequent noise analyses is misleadingly limited. The analyses do not fully disclose the highly uncertain nature of the flight operation assumptions on which they are based, and are likely to significantly underestimate the eventual noise impacts of airport operation by failing to undertake analyses based on the maximum airport capacity for passenger operations.

Because of these deficiencies, the Final EIS and the subsequent noise analyses do not provide a credible basis for informed decision making about potential noise impacts on Everglades and Biscayne National Parks from a proposed commercial airport at Homestead Air Force Base ("HST").

A. Reliance Upon Inappropriate Noise Metric and Interpretive Criteria

Figure 1 shows the geographic relationship between HST and nearby national parks and other public lands used for outdoor recreational purposes. The circle that encompasses the 20 nautical mile range defined by the project proponents as the study area ("region of influence") for environmental assessment purposes includes several state and national parks, notably Everglades National Park and Biscayne National Park. The Final EIS and subsequent

[1] The subsequent noise impact analyses considered by these Comments include the Homestead Air Force Base Feasibility Study Airport Master Plan Report, dated December 1994 ("Airport Master Plan") and the Air Force's AICUZ Study-1996 (draft) (collectively "subsequent noise analyses").

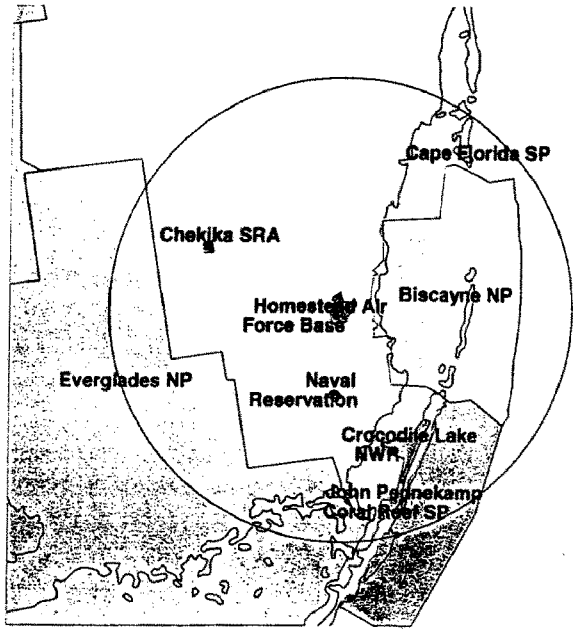

Figure 1 Geographic relationship between Homestead Air Force Base and nearby recreational lands.

noise analyses do not adequately assess aircraft noise impacts on these national parks and other outdoor recreational areas. Indeed, the Final EIS and subsequent noise analyses do not even expressly acknowledge a need to assess aircraft noise impacts on the adjacent natural resources.

An assessment of the environmental impacts of a proposed action that satisfies NEPA requirements for informing decision makers about the probable effects of noise exposure requires characterization of expected noise levels in terms of one or more *metrics*, coupled with interpretation of expected noise levels by means of one or more *criteria*. The primary noise metric employed in the aircraft noise impact analyses of the Final EIS and subsequent noise analyses is a 24-hour measure of average sound level, typically computed over the course of a year: Day-Night Average Sound Level, or DNL.[2]

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[2] Although the Final EIS also reports sound exposure levels ("SEL" values) produced by individual aircraft overflights of the Everglades and Biscayne National Parks, it lacks a corresponding analysis or description of noise impacts on the parks quantified in such terms.

The Final EIS and the subsequent noise analyses interpret noise impacts expressed in units of DNL in terms of a set of "land use compatibility guidelines." The guidelines are purely advisory information published in 1985 by a Federal Interagency Committee on Urban Noise (FICUN) for application in inhabited areas, not national parks. FICUN's guidelines are explicitly intended to render land uses "compatible" with airport noise. The term "land use compatibility" does not imply mutual compatibility of land use and noise: the airport is invariably viewed as the asset to be protected, rather than existing non-aviation land uses. Both the DNL metric and the interpretive criteria utilized in the 1994 EIS are inappropriate and largely irrelevant for analyzing noise impacts on public lands used for outdoor recreational purposes.[3]

The National Park Service (NPS) has concluded that DNL is not in fact an appropriate metric for assessing aircraft noise impacts in national parks. See National Park Service "Report to Congress, Report on Effects of Aircraft Overflights on the National Park System," September 12, 1994 ("NPS Report"). Although DNL is an inappropriate noise metric for assessing noise impacts in national parks, the Final EIS offers no rationale for adopting the DNL metric as its primary predictor of noise impacts other than the assertion that "it [DNL] is the noise descriptor recognized by the FAA and Air Force for ***airfield*** environments" [FEIS at 3-116, emphasis added]. The central problem with DNL for the present application is the untenable assumption that the exposed population experiences noise over the time period for which the metric is calculated: a 24-hour period averaged over a year. Since visits to national parks rarely last more than hours or days at most, longer-term averaging is clearly meaningless in this case.

The Homestead noise analyses' reliance on the "land use compatibility guidelines" as criteria to assess noise impacts in parks simply compounds the unjustifiable reliance on DNL to quantify noise exposure of park visitors. The Final EIS limits its consideration of noise impacts to a reproduction (in Section 3.4.4) of the FICUN land use compatibility guidelines. This table does not include any explicit guideline for national parks. The FICUN guidelines assert that "nature exhibits and zoos" are compatible with noise exposure levels as high as DNL = 70 dB; that "amusements parks, resorts, and camps" are compatible with noise exposure levels as high as DNL = 75 dB; and that "golf courses, riding stables, and water recreation" are compatible with noise exposure levels as high as 80 dB (provided that any structures erected in such areas provide 30 dB of noise attenuation).

Noise levels identified in "land use compatibility guidelines" are based largely on a dosage-response relationship identified by FICON that predicts the prevalence of a consequential degree of noise induced annoyance in a residential community from long-term

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[3] Even the Federal Interagency Committee on Noise (FICON) acknowledges that "...questions have been raised regarding the compatibility levels selected for some individual noise-sensitive uses, such as park areas." See FICON, "Federal Agency Review of Selected Airport Noise Analysis Issues," Report for the Department of Defense, Washington, D.C. (1992) at 2-7.

average noise exposure.[4] FICON's dosage-response relationship has little applicability to the current case, however, since conversion of public lands from park to other uses for the convenience of an airport proprietor is not under consideration.

NPS-sponsored studies suggest that the expectations and tolerances of a residential population differ from those of visitors to national parks. Respondents to NPS visitor surveys have ranked enjoying natural quiet as about as important as viewing natural scenery as a reason for visiting some national parks. See NPS Report at 16. NPS also believes that adverse reactions to noise intrusions occur at lower sound levels in park settings than in residential areas around airports.

In sum, the noise metric and interpretive criteria adopted for the aircraft noise analyses of the Final EIS and subsequent noise analyses are inappropriate with respect to assessing noise impacts in nearby park lands. The *pro forma* noise analyses of the Final EIS are largely irrelevant, and are clearly deficient in providing decision makers with appropriate information about the likely consequences of aircraft noise exposure on these resources.

B. Alternate Noise Metrics

NPS has provided recommendations to the Federal Interagency Committee on Aircraft Noise (FICAN) for revisions to land use compatibility policies, and for alternate methods of analyzing aircraft noise effects in outdoor recreation settings. On the basis of studies conducted under Public Law 100-91, NPS has recommended modification of both FICON's land use compatibility guidelines and the associated aircraft noise impact analysis methods (*i.e.*, use of DNL).

The noise metrics that NPS believes should be computed for purposes of characterizing noise impacts in national park settings include $L_{eq(1\ hr)}$ (the equivalent noise level in a one hour time period, a shorter term average than DNL) and percent of time that aircraft noise is audible. NPS believes that an appropriate value of $L_{eq(1\ hr)}$ as a goal for protection of outdoor recreational opportunities in national parks is 25 dB, and that an $L_{eq(1\ hr)}$ of 35 dB be considered a "trigger" for a detailed analysis. NPS also believes that an appropriate value of $L_{eq(1\ hr)}$ as a goal for protection of natural quiet in national parks is 20 dB and that an $L_{eq(1\ hr)}$ of 30 dB is the appropriate "trigger" level.

NEPA imposes a clear duty to utilize best available methods for describing environmental impacts to decision-makers. The Final EIS and subsequent noise analyses are deficient for not mentioning, much less calculating or evaluating, alternate noise metrics such as those proposed by NPS to assess noise impacts on national parks of the proposed commercial airport at HST.

FAA's Integrated Noise-Model (INM) can generate much of the information necessary for such analyses. Several examples of the types of analyses that should have been

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[4] See id.

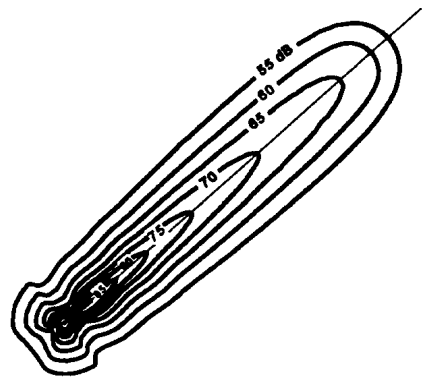

Figure 2 Sound exposure levels created by the departure of a single Boeing 737-300.

conducted in this instance are provided. Such analyses do not, however, constitute the full range of detailed analyses that would properly be included in an EIS concerning HST's development as a commercial airport.

For example, Figure 2 provides the sound exposure level or SEL contours from the INM for a single departure by a Boeing 737-300 transport from HST. (Table 2.2-4 of the Final EIS forecasts that this is by far the most common commercial transport aircraft anticipated at HST.) As indicated in Figures 3 and 4, the approximate distances along the predicted flight path from the existing runway at HST to the borders of Biscayne and Everglades National Parks are 3 and 12 miles, respectively. Figure 3 superimposes the SEL contours for the single B-737-300 departure to the northeast on the map of the vicinity of HST from Figure K1, page K-28 of the Final EIS. Figure 4 presents comparable information for a departure to the southwest. From this information, it is a straightforward matter to estimate values of various indices related to the noise level goals that NPS recommends in national parks.

Each departure generates an SEL of 84 dB at a distance of 3 miles from the runway end and an SEL of 70 dB at a distance of 12 miles from the runway end. The corresponding $L_{eq(1\ hr)}$ values are 48 and 34 dB, respectively (calculated by subtracting 36 (10 log 3,600, the number of seconds in an hour) from the SEL values). Accordingly, it is readily apparent that even one or two B-737 departures per hour from Homestead Air Force Base are likely to produce values of $L_{eq(1\ hr)}$ in excess of both the 35 dB and 20 dB criteria. Table 2.2-4 of the EIS forecasts 15,140 annual Boeing 737-300 operations by 2014, or 41 per day, of which half would be departures. Operations by other commercial aircraft can only increase these $L_{eq(1\ hr)}$ values. SELs produced by MD-11 departures would exceed those of 737-300 operations, while the sound levels of F-100, MD-82, 767, and regional jet operations would be similar to or greater than those of 737-300 operations.

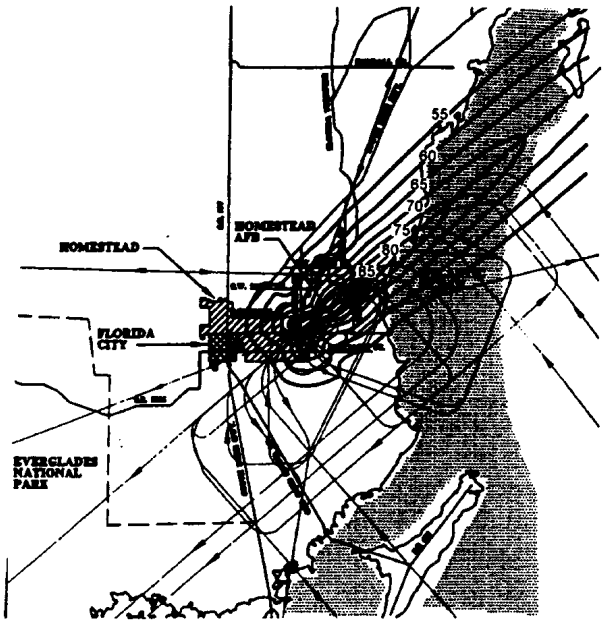

Figure 3 Sound exposure level of a Boeing 737-300 departure to the northeast overlaid on a figure of the flight tracks presented in the Final EIS.

More than two B-737 (or equivalent) departures per hour would be expected for many hours of the day. Indeed, the Airport Master Plan (at Table 2.10-1) estimates that, by 2014, peak passenger operations will reach 8.5 departures per hour and 85.5 departures per day.[5] The level of commercial jet operations forecasted by the Airport Master Plan would produce an approximate $L_{eq(1\,hr)}$ of 57 dB for Biscayne National Park, 22 dB greater than the NPS recommendation to trigger additional analysis, 32 dB greater than NPS goal for preserving outdoor recreational use and 42 dB greater than the NPS goal for the preservation of natural quiet. Such operational levels would also produce an approximate $L_{eq(1\,hr)}$ of 43 dB for Everglades National Park, 8 dB greater than the NPS trigger level, and 18 and 28 dB greater than the NPS goals for preservation of outdoor recreational use and natural quiet,

[5] These figures do not include military, cargo or general aviation flights. When such departures are included, peak hourly traffic is forecasted to reach 32 departures by 2014.

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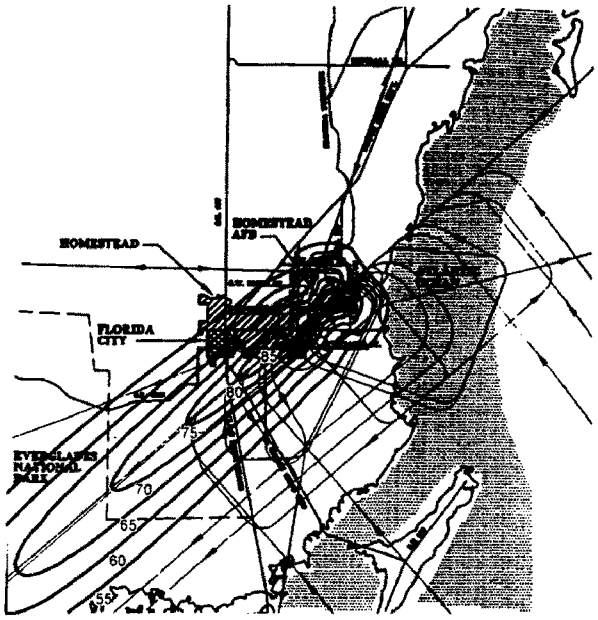

Figure 4 Sound exposure level of a Boeing 737-300 departure to the southwest overlaid on a figure of the flight tracks presented in the Final EIS.

respectively.[6] It is therefore apparent, even without benefit of detailed analyses, that commercial jet operations alone would greatly exceed the NPS recommendations for triggering further study of $L_{eq(1\,hr)}$ = 30 dB for interference with natural quiet in national parks and $L_{eq(1\,hr)}$ = 35 dB for enjoyment of natural quiet in national parks. NPS ultimate goals for these national park values (20 dB and 25 dB respectively) are even more greatly exceeded.[7]

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[6] These calculations assume the equivalent of 8.5 B-737 departures during the peak hours. The Airport Master Plan forecasts that many passenger operations will be turboprop, rather than jet, aircraft. The lower noise levels generated by the turboprop aircraft, however, will be made up for by noise generated by forecasted numbers of jet cargo aircraft. See Airport Master Plan at Table 2.8-7.

[7] The Final EIS and the subsequent noise analyses should have assessed the combined noise impacts of civil and military aircraft operations on adjacent national parks, among other areas. The noise emissions of individual military aircraft are commonly much higher in level than those of civil aircraft. In the aggregate, military flight operations also produce noise levels in excess of those recommended by NPS, and certainly increase the noise impacts caused by civil operations. As discussed above, however, even if the military operations at HST were reduced in number or eliminated, the anticipated civil operations at HST would still produce noise levels greater than those recommended by NPS.

NPS has also recommended to FAA that noise impacts of aircraft overflights on national parks be evaluated in terms of the percent of time that aircraft are audible. An aircraft is audible when the noise it creates is sufficiently higher in level than the background or ambient noise in which it occurs. Table 1 shows "time-above" values calculated by INM for several sound levels above which it is increasingly likely that aircraft overflights would be audible and noticeable in national parks. The columns on the lefthand side of the table pertain to Biscayne National Park, while those on the right pertain to Everglades National Park.

Exact audibility calculations cannot be performed, as the Final EIS is deficient in failing to provide spectral or other information about indigenous sound levels in the nearby parks. Without such information, it is impossible to predict exactly the amount of time that aircraft overflights would be audible, even though the amount of time overflights produce sound levels in excess of specific values is known. Nonetheless, it is likely that aircraft noise in excess of 35 dB would be audible above the indigenous sound level a good deal of the time; that aircraft noise in excess of 40 dB would be audible most of the time; and that aircraft noise in excess of 45 dB would be audible virtually all of the time.

Assuming simply 8.5 departures per hour during peak hours, and that all civil jet aircraft would produce levels comparable to a 737-300, civil aircraft would be audible to visitors in both Biscayne and Everglades National Parks for approximately 15 minutes per peak hours of operation -- one quarter of the time -- if the indigenous sound levels were low enough for an aircraft to be audible at 35 dB. If the number of hourly departures is merely doubled -- to 17 -- then noise would be audible in the parks approximately half the time (assuming background noise of 35 dB). As discussed in the following section, it is quite possible that HST could have seventeen or more hourly jet operations, as the single current runway at HST could handle about three times as many commercial jet operations as currently forecasted. Moreover, the two runways being planned for HST would virtually double the airport's capacity (the Airport Master Plan forecasts as many as 380,000 total operations for two runways at HST).

C. Failure to Assess Likely Operational Scenarios

Any meaningful analysis of the expected noise impacts of airport operation requires reliable estimates of future air traffic levels. The credibility of the flight projections contained in the Final EIS is undercut by subsequent flight projections, such as contained in the Airport Master Plan. The Airport Master Plan projects an almost 100% increase in commercial operations at Homestead by 2015 over the level in the Final EIS, while projected general aviation operations are decreased. Even more recent projections of flight activity, such as conducted by the consultants Dames and Moore, are said to have further increased the level of anticipated commercial operations. These later estimates of levels of anticipated commercial operations at HST make it likely that the Final EIS underestimated potential noise impacts.

Table 1 Time at two distances from HST in excess of various noise levels for common civil aircraft departure operations.

Number of Aircraft Departures	3 nautical miles (Biscayne National Park)			12 nautical miles (Everglades National Park)		
	Minutes above 35 dB	Minutes above 40 dB	Minutes above 45 dB	Minutes above 35 dB	Minutes above 40 dB	Minutes above 45 dB
737-300						
1	1.8	1.4	1.0	1.8	1.2	0.8
2	3.6	2.8	2.0	3.6	2.4	1.6
3	5.4	4.2	3.0	5.4	3.6	2.4
4	7.2	5.6	4.0	7.2	4.8	3.2
5	9.0	7.0	5.0	9.0	6.0	4.0
6	10.8	8.4	6.0	10.8	7.2	4.8
7	12.8	9.8	7.0	12.6	8.4	5.6
8	14.4	11.2	8.0	14.4	9.6	6.4
9	16.2	12.6	9.0	16.2	10.8	7.2
10	18.0	14.0	10.0	18.0	12.0	8.0
11	19.8	15.4	11.0	19.8	13.2	8.8
12	21.6	16.8	12.0	21.6	14.4	9.6
13	23.4	18.2	13.0	23.4	15.6	10.4
14	25.2	19.6	14.0	25.2	16.8	11.2
15	27.0	21.0	15.0	27.0	17.0	12.0
16	28.8	22.4	16.0	28.8	18.2	12.8
17	30.6	23.8	17.0	30.6	19.4	13.6

The only level of flight operations that can be predicted with a modicum of certainty under such circumstances of ever-escalating operational estimates is the number of commercial operations that can eventually be supported by fully developed runway and ground facility capacity at HST. This is particularly true since the provisions of the 1990 Airport Noise and Capacity Act render proprietors nearly powerless to manage increases in airport flight operations. Runway and/or landside development capacity constitute the only meaningful limits on noise impacts due to uncontrollable operational growth.

The Final EIS should therefore have at least considered noise impacts associated with the greatest use of this runway consistent with its capacity. Depending on runway layout, air traffic, and other constraints, single runway airports can accommodate many more than 50,000 passenger operations per year. For example, the one-runway airport on the U.S. Virgin Islands handles 182,244 commercial operations annually (along with almost 20,000 general aviation operations). Two-runway, mixed-use (commercial/general aviation/military) airports elsewhere accommodate as many as several hundred thousand operations per year. Indeed, the Airport Master Plan conditionally approves two runways at HST and estimates (at 3-15) that the two runways could handle 380,000 annual operations.

CONCLUSION

In summary, the 1994 EIS is inadequate in several respects, including the following:

- It relies upon a noise metric inappropriate for national parks and fails to consider noise metrics and other measures recommended by NPS.

- It relies upon criteria inappropriate for interpreting aircraft noise impacts in this context (*i.e.*, criteria intended for use in urbanized applications) and fails to even mention noise impacts criteria recommended by NPS.

- It fails to assess the only operational scenario that can be predicted with any confidence for HST: maximum use of physical capacity.

PROFILE OF BBN CORPORATION'S ENVIRONMENTAL RESEARCH DEPARTMENT SYSTEMS AND TECHNOLOGIES DIVISION

BBN's Environmental Research Department in Canoga Park, California includes scientists, engineers and research associates specializing in several branches of acoustics. The staff's expertise is concentrated in environmental acoustics, geographic information systems, and psychoacoustic research.

Measurement, prediction, and assessment of individual and community response to aircraft noise have been ongoing activities at BBN for four decades, during which time BBN has successfully completed pioneering analytic, laboratory, and field studies on modeling of aircraft noise and its effects on people. BBN became involved in the 1950s in a continuing series of aircraft noise measurement and exposure prediction projects and consulting activities for commercial and government clients. BBN staff have conducted widely known studies that led to development of standard aircraft noise measurement and prediction procedures (as embodied in FAR Part 36 and FAA's INM[8]), as well as scales of annoyance of aircraft noise such as Community Noise Rating (CNR), Noise Exposure Forecast (NEF), Perceived Noise Level (PNL and derivatives), and measures of speech intelligibility such as Articulation Index (AI) and interior ambient noise spectra such as the Preferred Noise Contours (PNC). BBN has also contributed substantially to the development and standardization of measures of community reaction to noise exposure, and to meta-analyses of the scientific literature to create quantitative dosage-response relationships for aircraft noise exposure effects.

Some of the major accomplishments of BBN's continuing involvement in this area include creation of aircraft noise and noise effects prediction computer programs such as

- NOISEMAP, the first airport noise exposure contouring program;
- ASAN (Assessment System for Aircraft Noise), which allows U.S. Air Force environmental planners to prepare complete noise elements for Environmental Impact Statements;
- NODSS (National Park Service Overflight Decision Support System), which can construct both source-based emission contours and observer-based audibility contours for the noticeability of *en route* aircraft overflights of very large outdoor recreational areas; and

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[8] Integrated Noise Model aircraft noise modeling program.

- RECMAP, the first aircraft noise exposure modeling software (now under development for the U.S. Air Force) capable of predicting personal aircraft noise exposure doses for outdoor recreationists.

BBN has also been active in computer-based modeling, prediction, and assessment of sonic boom production, propagation and effects. BBN was responsible for development of the first model to estimate sonic boom overpressures and has recently developed initial releases of the MOAOPS, BOOMAP2 and PCBOOM computer programs for the U.S. Air Force.

Specific representative projects include:

- Development of National Park Service Overflight Decision Support System

- Evaluation of the effectiveness of SFAR 50-2 in restoring natural quiet to Grand Canyon National Park for National Park Service

- Analysis of NPS and USFS Public Law 100-91 Reports to Congress for U.S. Air Force

- Study of short-term annoyance of outdoor recreationists to aircraft noise for U.S. Forest Service

PROFILE OF SANFORD FIDELL

EDUCATION:

Ph.D., Experimental Psychology, The University of Michigan, 1969
M.S., Experimental Psychology, The University of Michigan, 1966
B.A., Psychology, Trinity College, Hartford, Connecticut, 1964

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Manager, Environmental Technologies Departments of BBN Acoustic Technologies and BBN Systems and Technologies, 1995-Present; Manager, Environmental Research and Data Systems Department, BBN Systems and Technologies Division, 1992-1995; Senior Manager, 1991-1992; Lead Scientist, 1989-1991; Senior Scientist, 1968-1988; Manager, Los Angeles Computer Laboratory, 1970-1982; Lecturer, California State University, Northridge, 1969-1971; Member of the Technical Staff, Bell Telephone Laboratories, 1966; Research Assistant and Teaching Fellow, The University of Michigan, 1964-1968; Broadcast Announcing, Engineering, and Production, 1960-1968.

HONORS AND PROFESSIONAL SOCIETIES:

Acoustical Society of America (Fellow); Human Factors Society; American Psychological Society; BBN Outstanding Publications Awards (1989, 1991, 1996).

ADVISORY POSITIONS:

U.S. Representative to International Standards Organization Technical Advisory Group on Community Response Questionnaire Standardization (ISO/TC43/SC1/WG49); Acoustical Society of America, Technical Committee on Noise (1993-1996); National Research Council Committee on Hearing, Bioacoustics and Biomechanics (CHABA); Current or past member of the American National Standards Institute, Committee on Bioacoustics, Working Groups S12-15 (Environmental Noise Measurement and Assessment), S3-51 (Auditory Magnitudes), S3-70 (Community Response to Noise Levels); American Helicopter Society, Committee on Acoustics; IEEE Power Engineering Society, Audible Sound and Vibration Subcommittee.

PAPERS AND PUBLICATIONS:

Dr. Fidell has over 150 papers and publications, oral presentations and sponsored technical reports to his credit, including relating to aircraft noise impacts on outdoor recreationists and national park visitors, and the measurement tools and interpretive criteria for such impacts. A list of publications is available from Dr. Fidell.

RICHARD L. ERNENWEIN, *National Park Service, IMFA-RM, P.O. Box 25287, Denver, Colorado 80225-0287*

Aircraft conducting sightseeing air tour flights are the subject of recently released regulations concerning several U.S. national parks, including Grand Canyon (Arizona) and Rocky Mountain (Colorado). Additional actions are being considered to regulate sightseeing air tour flights over other units of the U.S. National Park System. This paper provides an overview of the issue and the many years of research, interagency negotiations, management actions, and national media attention that have led to the regulations. *Caveat:* the views in this paper are solely those of the author and do not necessarily represent those of the U.S. National Park Service (USNPS) or any other person.

Why is the U.S. National Park Service Involved?

Virtually all ways that people visit parks provide a positive visitor experience for some people to some extent, and virtually all ways impact some park resources (and often other visitors) to some extent. One of the major tasks of park managers is making decisions about the appropriateness of various ways of visiting parks compared with their impacts on park resources and other visitors, while considering park purpose, significance, management objectives, and other USNPS mandates.

Aircraft overflights are used as a way to access and visit many parks. Visitation flights include commercial sightseeing tours, general aviation, commercial aircraft in transit, and military aircraft (either in transit or on special training routes or areas). However, park managers have not been able to consider and manage overflights as part of the mix of ways to access and visit parks, but have generally had to accept whatever overflights happened to occur regardless of impacts and other factors. Aircraft overflights represent virtually the only use of U.S. national parks that is not controlled or limited in some fashion by the USNPS. Aircraft are also unique in their ability to travel through the entire spectrum of management zones in a park, from the most primitive to the most developed, in a matter of minutes, without regard to compatibility or incompatibility with the other visitor uses and resource conditions in the zones.

In the United States, almost all jurisdiction over airspace belongs to the U.S. Federal Aviation Administration (USFAA), an agency of the U.S. Department of Transportation (USDOT). The USNPS, in the U.S. Department of the Interior (USDOI), is heavily involved in aircraft overflight issues because research has shown conclusively that aircraft overflights can adversely impact park resources and visitors (USNPS 1995). Laws, policies, and regulations of the USNPS, USFAA, and other agencies require consultation *and action* when park resources and visitors are adversely affected by aviation activities.[1]

The USNPS is working with other agencies and the public to determine the effects of aircraft overflights on parks, and then to develop appropriate measures to prevent, mitigate, or eliminate the adverse effects of overflights on park resources and visitors. The Park Service *does not* seek to directly control or manage airspace. That task requires a large specialized staff with the expertise and ability to assume the inherent responsibility and liability. In law and practicality, the USFAA is clearly the agency charged with fulfilling that role.[2] However, the Park Service is required by law to ensure protection of park resources and visitors from *all* activities affecting the parks.[3] Where activities in the airspace affect park resources or visitors, jurisdictions of the two agencies begin to overlap. In that context, the USNPS mandates appear to clearly provide the ultimate authority regarding impacts and mitigation measures concerning park resources and visitors, while the USFAA mandates provide the ultimate authority concerning airspace. Where the airspace management practices of the USFAA fail to meet the on-

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ATTACHMENT #4

the-ground resource and visitor needs of the parks, the USNPS mandates provide an affirmative responsibility for the Park Service to provide leadership to meet those needs.

In meeting park resource and visitor needs, the USNPS *does not* seek a complete ban on *all* aircraft over *all* national park units. Less than one-third of the units in the U.S. National Park System (i.e., approximately 100 units) have expressed a need to address concerns about aircraft overflights (USNPS 1995:241-243). The USNPS itself frequently uses aircraft to accomplish its mission in many park units, for such activities as research, resource management, firefighting, search and rescue, law enforcement, and many other tasks. Such uses are often vital in accomplishing the park's mission. Moreover, the USNPS is the protector and interpreter of important historic sites and artifacts preserving the story of aviation's birth and evolution, such as Wright Brothers National Memorial (North Carolina) and Dayton Aviation Heritage National Historical Park (Ohio). Some park units also have airstrips or airports within or immediately adjacent to the park boundaries.

The nature of the parks, as well as park overflights is diverse. Therefore, solutions to park overflight concerns are likely to be equally diverse (USNPS 1995:207). The solutions should be consistent with a specific park's purpose and objectives for management, resources, and visitor experiences. A few parks may seek to prevent impacts from occurring through a ban on certain types of overflights over the entire park, such as the recent ban on sightseeing tour flights imposed at Rocky Mountain National Park. In some cases, a park may seek to mitigate or perhaps eliminate overflight impacts through a variety of means, perhaps, for example, only over certain parts of a park, or only at certain times. In other cases, voluntary cooperation may be all that is necessary to adequately address the concern. What is consistent in all cases, however, is the affirmative responsibility of the USNPS to accomplish its mandates with respect to *all* park uses, including overflights.

Research

U.S. Public Law 100-91[4] required a series of studies to determine the effects of aircraft overflights on units of the U.S. national park system (Ernenwein and Henry 1991). The studies, their results, and conclusions are summarized in *Report on Effects of Aircraft Overflights on the National Park System* (USNPS 1995). The individual study reports are listed at the end of this paper, along with information about how to order copies of the reports.

Early in that study, it was found that most of the methodologies and models in the scientific literature on aircraft overflight impacts were not applicable to the environmental and social conditions found in parks.[5] Very little applicable research had been performed in park environments. For the studies performed for the USNPS, new methodologies, metrics and technologies were necessary in several cases, both in the acoustical and sociological aspects of the research (USNPS 1995). Cutting-edge science with far-reaching application and implications was necessary in the case of several of the park studies.

The overflight studies have been as intensely scrutinized as any ever performed by or for the USNPS. Fortunately, the science and conclusions have withstood the scrutiny quite well. Much of the credit is due to the use of highly respected contractors to design and conduct the studies, and to ensure that Park Service conclusions were well-founded in the research results. The primary contractors, Harris Miller Miller & Hanson, Inc., HBRS, Inc., and BBN Systems and Technologies, Inc., had to ensure complete scientific objectivity and quality to maintain their international reputations in the face of almost certain challenges.

Recent Actions in the News

On April 22, 1996, President Clinton directed the Secretary of Transportation in consultation with the Secretary of the Interior to:[6]

1. Issue regulations that place appropriate limits on sightseeing aircraft over Grand Canyon National Park to reduce noise immediately and make further substantial progress toward restoration of natural quiet;
2. Propose regulations to address the potential adverse impacts of sightseeing overflights on Rocky Mountain National Park;
3. Propose regulations for managing sightseeing aircraft in those national parks where it is deemed necessary to reduce or prevent the adverse effects of such aircraft; and
4. Develop appropriate educational and other materials for the public and all aviation interests that describe the importance of natural quiet to park visitors and the need for cooperation from the aviation community.

The president's directive has led to USFAA regulations for Grand Canyon[7] and Rocky Mountain National Parks.[8] The new Grand Canyon regulations place a cap on the number of aircraft allowed to conduct sightseeing tours over the park. This is an attempt to limit the growth in sightseeing tour flights, which eroded much of the gains in restoration of natural quiet achieved by regulations put in place in 1988.[9] The regulations also place a curfew on sightseeing tour flights during early-morning and late-evening hours, times when backpackers and river-runners are in camp and many park visitors are enjoying and contemplating the vastness and solitude of the Grand Canyon. The Grand Canyon regulations will also lead to a complex modification of airspace structure and tour routes to achieve restoration of natural quiet over a greater area of the park for a greater percentage of the time. A phase-out of noisier aircraft and incentives for the use of quieter aircraft have also been proposed.

The new regulations for Rocky Mountain National Park temporarily ban sightseeing tour flights over the entire park, pending completion of the national rule called for in item #3 of the president's directive.

The Near Future

In 1997, the USNPS and USFAA will be busy developing the national rule and educational materials required by items #3 and #4 of the president's directive. Also, monitoring plans need to be developed as part of the Grand Canyon and Rocky Mountain regulations, and the route and "quiet aircraft" phase-in portions of the Grand Canyon rule need to be finalized.

The issue of aircraft noise in parks will, unfortunately, not go away any time soon. There are many significant scientific and technical questions still to be answered. Noise modeling, metrics, and methodologies will be the subject of continuing debates and studies. There are also many points of controversy, many apparently conflicting jurisdictions and interests, and considerable emotion as different aspects of the issue strike close to home for people of widely divergent points of view. There continues to be considerable room for creativity, innovation, and cool heads in resolving this complex issue.

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The following reports are summarized in *Report on Effects of Aircraft Overflights on the National Park System*. To obtain copies, please contact the U.S. Department of Commerce, National Technical Information Service (NTIS), Springfield, VA 22161, telephone (703) 487-4650, and use the NTIS accession codes shown to obtain current prices and availability.

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Endnotes

[1] See, for example, 42 U.S.C. 4321, 49 U.S.C. 40103(b)(2), 49 U.S.C 44715, 49 U.S.C. 303, and Executive Order 11514 as amended by Executive Order 11991.

[2] See, for example, 49 U.S.C. 40103 *et seq.*

[3] See, for example, 16 U.S.C. 1 *et seq.*

[4] 101 Stat. 674, enacted in 1987.

[5] See, for example, Fidell, Sanford, Karl Pearsons and Matthew Sneddon. 1994. *Evaluation of the Effectiveness of SFAR 50-2 in Restoring Natural Quiet to Grand Canyon National Park.* BBN Report No. 7197, NPOA Report No. 93-1.

[6] See *Federal Register*, Vol. 61, No. 81, p. 18229, April 25, 1996, for text of Clinton's April 22, 1996 memorandum.

[7] See *Federal Register*, Vol. 61, No. 252, pp. 69302-69357, December 31, 1996, for Grand Canyon special flight rules, noise limitations, and proposed air tour routes; final rule, proposed rule, and notice.

[8] See *Federal Register*, Vol. 62, No. 5, pp. 1192-1205, January 8, 1997, for Rocky Mountain special flight rules, final rule.

[9] Special Federal Aviation Regulation 50-2, Special Flight Rules in the Vicinity of Grand Canyon National Park