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**LEGISLATION AND REGULATIONS AFFECTING  
SCENIC OVERFLIGHTS ABOVE NATIONAL PARKS**

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Legislation and Regulations Affecti...

**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON AVIATION  
OF THE  
COMMITTEE ON  
PUBLIC WORKS AND TRANSPORTATION  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED THIRD CONGRESS  
SECOND SESSION  
JULY 27, 1994

Printed for the use of the  
Committee on Public Works and Transportation

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# CONTENTS

	Page
Summary of Subject Matter .....	IX
TESTIMONY	
Akaka, Hon. Daniel, a U.S. Senator from Hawaii .....	41
Anderson, Daniel W., President, Grand Canyon Air Tourism Association, Grand Canyon, AZ .....	97
Antolini, Denise, Managing Attorney, Mid-Pacific (Hawaii) Office, Sierra Club Legal Defense Club .....	70
Asmus, Paul D., Former Owner, Helicopter Tour Company, Hawaii .....	70
Boyer, Phil, President, Aircraft Owners and Pilots Association .....	131
Bracy, Terry, Member, Board of Trustees, Grand Canyon Trust, accompanied by Julie Gale, Washington Representative, and Susan Fox, Legal Counsel, Grand Canyon Trust .....	70
Broadbent, Robert N., Director, Clark County Department of Aviation .....	97
Bryan, Hon. Richard H., a U.S. Senator from Nevada .....	37
Clark, Edward, Member, Citizens Against Noise, Hawaii, and Aviation Con- sultant, Tour Aircraft Control Coalition .....	70
Coleman, Walter S., President, Regional Airline Association .....	131
Coyne, James K., President, National Air Transport Association .....	131
DeCamp, Robert, President, Hawaii Helicopter Operators Association .....	97
Evison, Boyd, Superintendent, Grand Canyon National Park .....	48
Gawell, Karl, Director of National Parks Programs, The Wilderness Society ...	70
Goldwater, Hon. Barry, Former U.S. Senator from Arizona .....	97
Harrison, Robin T., Former Program Leader, Aviation and Acoustics, U.S. Forest Service Technology and Development Center .....	97
Hinkley, Dr. Ronald, Partner, Research Strategy and Management Associ- ates .....	97
Jensen, Frank L., Jr., President, Helicopter Association International .....	131
Kallauloopua, Yvette, Owner, Blue Hawaiian Helicopters .....	97
Logan, Andrew H., Vice President/General Manager, Commercial Programs, McDonnell Douglas Helicopter Systems .....	131
Maxwell, Charles Kauluwehi, Sr., Hawaiian Cultural Specialist .....	70
McCain, Hon. John, a U.S. Senator from Arizona .....	26
McCloskey, Michael, Chairman, Sierra Club .....	70
Mink, Hon. Patsy T., a Representative in Congress from Hawaii .....	7
Peterson, Hon. Collin C., a Representative in Congress from Minnesota .....	46
Peterson, Pete, Assistant Superintendent, Glacier National Park .....	48
Reynolds, John, Deputy Director, National Park Service, U.S. Department of Interior, accompanied by Wes Henry and Barbara West, Special Assis- tant to the Assistant Secretary for Fish, Wildlife and Parks .....	48
Rought, Raymond J., Director, Office of Aeronautics, Minnesota Department of Transportation .....	131
Santini, Hon. James, a former Representative in Congress from Nevada .....	97
Scott, Ed, Executive Director, National Association of State Aviation Officials .....	131
Stokes, Barry, President, Citizens Against Noise .....	70
Sullivan, John A., President, Grand Canyon Air Tour Council, Las Vegas, NV .....	97
Taylor, Dan, Resource Manager, Hawaii Volcanoes National Park .....	48
Valentine, Barry L., Assistant Administrator for Policy, Planning and Inter- national Aviation, Federal Aviation Administration .....	48
Voorhees, Philip H., Washington Representative, the National Parks and Conservation Association .....	70
Vucanovich, Hon. Barbara F., a Representative in Congress from Nevada .....	28

VI

	Page
Widdis, Jonathan A., Director of Statewide Aviation, Alaska Department of Transportation and Public Facilities .....	131
Williams, Hon. Pat, a Representative in Congress from Montana .....	44

PREPARED STATEMENTS SUBMITTED BY MEMBERS OF CONGRESS

Costello, Hon. Jerry F., of Illinois .....	4
Hansen, Hon. James V., of Utah .....	29
Mink, Hon. Patsy T., of Hawaii .....	10
Reid, Hon. Harry, of Nevada .....	38

PREPARED STATEMENTS SUBMITTED BY WITNESSES

Anderson, Daniel W .....	154
Antolini, Denise .....	184
Boyer, Phil .....	187
Bracy, Terry .....	193
Broadbent, Robert N .....	224
Clark, Edward .....	231
Coleman, Waiter S .....	239
Coyne, James K .....	242
DeCamp, Robert .....	245
Gawell, Karl .....	294
Halvorson, Elling (presented by Hon. James Santini) .....	298
Jensen, Frank L., Jr .....	335
Logan, Andrew H .....	353
Maxwell, Charles Kauluwehi, Sr .....	394
McCloskey, Michael .....	398
Reynolds, John .....	402
Rought, Raymond J .....	410
Stokes, Barry .....	416
Sullivan, John A .....	523
Valentine, Barry L .....	576
Voorhees, Philip H .....	581
Widdis, Jonathan A .....	598

SUBMISSIONS FOR THE RECORD

Anderson, Daniel W., President, Grand Canyon Air Tourism Association, Grand Canyon, AZ:	
Letter from Hon. Fife Symington, Governor, State of Arizona, July 14, 1994 .....	178
Letter from Gary Adams, Director, Arizona Department of Transportation, July 13, 1994 .....	181
Evison, Boyd, Superintendent, Grand Canyon National Park, letter, June 20, 1994 .....	67
Jensen, Frank L., Jr., President, Helicopter Association International, letter to Rep. Oberstar, August 3, 1994 .....	352
Mink, Hon. Patsy T., a Representative in Congress from Hawaii, letters from constituents .....	14
Sullivan, John A., President, Grand Canyon Air Tour Council, Las Vegas, NV, statement of Cliff Langness, President, Scenic Airlines, Las Vegas, NV .....	108
Valentine, Barry L., Assistant Administrator for Policy, Planning and International Aviation, Federal Aviation Administration, letter to Rep. Oberstar, September 2, 1994 .....	64

ADDITIONS TO THE RECORD

Air Access Coalition, "Issues on Aircraft Overflight of National Parks", report, July 1994*	
Bilbray, Hon. James H., a Representative in Congress from Nevada, statement .....	615
Davidson, Marion B., Attorney, letter .....	617
General Aviation Manufacturers Association, Edward W. Stimpson, letter .....	619

\*Retained in subcommittee file.



VII

	Page
Hinchey, Hon. Maurice D., a Representative in Congress from New York, letter .....	622
National Wildlife Federation, Jay D. Hair, letter .....	624
Northern California Airspace Users Working Group, Walter Ramseur and Neil D. Reid, Co-Chairman, statement .....	626
Stump, Hon. Bob, a Representative in Congress from Arizona, statement .....	635
Travel and Tourism Government Affairs Council, Aubrey C. King, Executive Director, letter .....	637
Young, Hon. Don, a Representative in Congress from Alaska, statement .....	639



To: Members of the Subcommittee on Aviation.

From: Committee's Aviation Staff.

Date: July 22, 1994.

Re: Summary of subject matter for Subcommittee on Aviation hearing on Legislation and Regulations Affecting Scenic Overflights Above National Parks, to be held on July 27, 1994.

The Subcommittee hearing will receive testimony on issues surrounding flights by scenic air tour aircraft above national parks. Over the past dozen years, there have been ongoing debates within the federal government, and interests associated with national parks, and the air tour industry about the extent to which scenic overflights should be permitted and/or regulated. These debates arise because of differing views of the flights' effect on the environment of national parks and their visitors.

The hearing will review the implementation of existing laws and regulations governing flights over national parks and the extent to which new laws or regulations are needed.

Two bills have been introduced in the House of Representatives: H.R. 1696 by Congresswoman Patsy Mink (jointly referred to this Committee and the Committee on Natural Resources) and H.R. 4163 by Congressman Pat Williams (also jointly referred to the two Committees). Also Secretary of Transportation Peña and Secretary of the Interior Babbitt have initiated a joint effort to explore the need to further regulate scenic air tour activity above national parks.

#### I. SCENIC AIR TOUR INDUSTRY

The nationwide air tour industry has grown to be a \$500 million business in annual revenue. Approximately half of these revenues are generated at the Grand Canyon with another \$100 million in Hawaii. The balance is scattered around other national parks and scenic attractions. There is significant air tour activity in place or developing in Glacier National Park in Montana, the Utah national parks, the Alaska parks, Mount Rushmore in South Dakota, the Statue of Liberty, and Niagara Falls.

There are presently 45 companies providing sightseeing tours above the Grand Canyon using both fixed wing aircraft and helicopters. Most tour operators operate out of locations near the Grand Canyon, but most passengers board touring flights in Las Vegas. Industry estimates are that 800,000 people took air tours over the Grand Canyon in 1993. At Grand Canyon Airport alone there were approximately 85,000 tour flights in 1993, up from under 2,500 fifteen years ago. In the peak summer period, there are on average over 300 tour flights a day over the Grand Canyon.

With regard to the air tour activity in Hawaii, most of it is focused on Haleakala National Park on the island of Maui, Hawaii Volcanoes National Park on the island of Hawaii, and various scenic attractions on the island of Kauai. In all of Hawaii there are presently 26 operators, using over 80 helicopters. There are some fixed wing operations as well. The Park Service estimates that over Volcanoes Park, there are approximately 60 air tours a day, and over parts of Haleakala National Park, helicopter noise is audible 30 minutes of each daylight hour.

A large proportion (approximately 40%) of air tourists are foreign, and industry materials indicate approximately 30% are 50 years or older and 7-12% are handicapped. This may indicate that a substantial portion of the air tourists may be using scenic tours as their sole means to see the park.

Safety of air tour operations has generated concerns particularly in Hawaii. The FAA has found that in the past 6 months there have been 11 incidents/accidents involving serious injuries or fatalities in Hawaii. On the 15th of this month, there were two accidents involving helicopters putting down in the ocean. In one of these, three people drowned after exiting the helicopter.

FAA has requested that all air tour operators in Hawaii conduct a "stand down safety review" of operational and maintenance practices by August 15. Further, FAA has announced in-depth inspections on all operators that have experienced accidents or serious incidents which is to be completed by September 30. The FAA has also

announced that it is considering an emergency rulemaking action to implement National Transportation Safety Board recommendations regarding the regulation of the air tour industry under Part 135 of the Federal Aviation Regulations, instead of Part 91.

## II. PUBLIC LAW 100-91

In 1987, the 100th Congress enacted a bill ". . . to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over National Park Service System units" (P.L. 100-91). More importantly, the law also established certain rules that would govern flights at Grand Canyon, Yosemite, and Haleakala National Parks.

This law was prompted by concerns that scenic overflights were infringing too much on the natural quiet of some parks, thereby harming the environment and adversely affecting the experience of many park visitors. There was also a mid-air collision between two sightseeing aircraft at the Grand Canyon in 1986, in which 25 people perished, that generated safety concerns about unregulated air tour operations as well.

P.L. 100-91 was jointly developed by this Committee and the Committee on the Interior and Insular Affairs (now Natural Resources). While this Committee never reported legislation, then-Subcommittee Chair Mineta worked closely with the leaders of the Interior Committee in developing and drafting the legislation, and this Committee's leadership were among the managers of the bill when it was considered by the House. It was passed in the House on the Suspension Calendar by voice vote and in the Senate by a voice vote. Actions came during the spring and summer of 1987.

P.L. 100-91 did the following: Found that noise associated with overflights at Grant Canyon National Park in Arizona is causing ". . . significant adverse effect on the natural quiet and experience of the Park and current aircraft operators . . . have raised serious concerns regarding safety."

Directed that the Secretary of the Interior to submit to the FAA within 30 days of enactment, recommendations for actions to protect the Grand Canyon's resources from adverse impacts of overflights. These recommendations were directed to include a prohibition of flights below the canyon rim and the establishment of flight-free zones.

Directed the FAA to prepare a plan to manage aircraft at the Grand Canyon based on the recommendations of the Secretary of the Interior, unless there was a determination that safety would be adversely affected.

Stipulated that it would be unlawful to fly below 2,000 feet above the surface of Yosemite National Park in California.

Stipulated that it would be unlawful to fly below 9,500 feet mean sea level in certain areas of Haleakala National Park in Hawaii.

Directed a number of studies on the effects of aircraft overflights on national parks and other Federal natural areas. The most significant of these was a large study of park overflights conducted by the Director of the National Park Service to determine the proper minimum altitude that aircraft should maintain over national parks. The study was to be done with technical assistance from the Federal Aviation Administration. The study was to be conducted at 10 national parks, with six specifically named. The focus was to be on the impact on the environment, visitors, and users of the parks. The study was due in August 1990, but it has taken much longer than anticipated and is now four years overdue. The study is still in draft form and is now anticipated to be issued this coming September.

## III. FEDERAL AVIATION REGULATIONS GOVERNING FLIGHTS OVER NATIONAL PARKS

In 1984, the FAA revised an Advisory Circular (91-36B) on flights near noise sensitive areas. The revision brought national parks and other Federal lands, such as wilderness areas, seashores, and recreational areas, into the category of noise sensitive areas. The Advisory Circular suggested that pilots operating under visual flight rules ". . . should make every effort to fly not less than 2,000 feet above the surface . . ." of a noise sensitive area. The Advisory Circular also described how the 2,000 feet should be determined in canyons and valleys. An Advisory Circular is not regulatory or binding; it is only advice, however the FAA generally expects this advice to be followed.<sup>1</sup>

As the air tour industry expanded in the mid-1980s, particularly at the Grand Canyon and in Hawaii, environmental concerns about the noise impacts on park resources and visitors to the parks were heightened. Safety concerns were also very much a part of the public debate, given the mid-air collision mentioned earlier. In response to the concerns at the Grand Canyon, the FAA developed a Special Federal

Aviation Regulation (SFAR 50-1) and issued it in June 1987. It largely turned the Advisory Circular, as it pertained to parks, into regulations for the Grand Canyon, and established routes and communications procedures to be followed. The purpose of SFAR 50-1 was directed more at enhancing safety than in reducing environmental noise impacts.

SFAR 50-1 was viewed as deficient from an environmental standpoint by the Congress, and P.L. 100-91 was enacted two months later stipulating that the specific actions described in the previous section be taken by the Park Service and the FAA.

In the spring of 1988, the FAA issued SFAR 50-2 which carried out the mandate of P.L. 100-91. SFAR 50-2 established specific route to be followed by commercial tour operators and transient operators. SFAR-50-2 also established "flight free zones" above the Grand Canyon. These zones are constructed so that virtually all canyon rim visitors and 90% of the land used by backcountry hikers is not exposed to overflights. Also as prescribed in P.L. 100-91, operations are prohibited below the canyon rim.

SFAR 50-2 also requires that all air tour operations at the Grand Canyon be conducted under FAA regulations governing commercial operations in small aircraft (FAR Part 135). Prior to this requirement, some air tour operators could operate under Part 91 regulations, which typically govern non-commercial operations. Part 91 has less stringent requirements than Part 135 in the areas of pilot training and certification, and aircraft performance. Part 91 operators also do not have detailed FAA approved operations specifications, which set out procedures for all facets and aspects of an air carrier's flight operations. Part 135 requires this.

Generally, air tour operators, even though they are commercial operators, can operate under Part 91 if they take off and land at the same airport, and operate within 25 miles of that airport. SFAR 50-2 stipulated that this would no longer be the case at the Grand Canyon and that all air tour operations would be flown under Part 135.

The FAA has no SFAR for the Hawaiian national parks, but is considering issuing one for all of Hawaii which would be similar in approach to the one governing operations at the Grand Canyon.

Also four Federal agencies (National Park Service, Bureau of Land Management, Fish and Wildlife Service, and the Federal Aviation Administration) entered into a Memorandum of Understanding regarding overflights of various Federal parks in January 1993. The agencies all iterated the steps they would take to mitigate the environmental effects of flights over these lands. Generally, the agencies will seek voluntary compliance with the 2,000 feet above ground advisory. The agencies also agreed to establish mechanisms and systems for determining violations, investigating deviations from the 2,000 feet altitude advisory, and disseminating information to the flying community about flying over these lands.

Finally, both at the Grand Canyon and in parts of Hawaii, there are voluntary agreements among some, but not all, tour operators that place restrictions on the future growth of operations.

#### IV. CURRENT ONGOING FEDERAL GOVERNMENT ACTIVITY ON PARK OVERFLIGHTS

Last December, Secretary of Transportation Peña and Secretary of the Interior Babbitt announced the formation of an interagency (Transportation, FAA, Interior, and National Park Service) working group to explore ways of limiting or reducing the impact from overflights on national parks, with an initial focus on the Grand Canyon.

Secretary Peña stated at the time the working group was announced, "In the past, transportation policies and the environment were too often at odds. This Department of Transportation cares about the environment. The Grand Canyon and our national parks are some of this country's most precious resources. I believe we can provide air access to this great natural resource while ensuring a quality experience for other park visitors."

Secretary Babbitt also stated at the same time, "Aircraft noise is significantly diminishing the natural park experience for millions of visitors. Having spent a great deal of time in the Grand Canyon, I know how intrusive and offensive such noise can be, diminishing a good portion of the enjoyment and the restoration of spirit that comes from a visit to the park."

The formation of this working group and the Cabinet level commitments by the Secretaries are significant developments because the Park Service and the FAA had been continually at odds over the extent of the overflights problem and what the best approaches to the problem should be. The missions of the two agencies are not easily reconcilable and much of the discussions between them over the years has

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The working group has held public sessions in Arizona seeking input from all interested parties as to what should and should not be done. It has also held a series of hearings last January on the problem of helicopter tours in Hawaii.

Last March, the National Park Service and the Federal Aviation Administration issued a joint Advanced Notice of Proposed Rulemaking which articulated the problem of overflights as the two agencies saw it. The ANPRM stated: "In the case of commercial air tour sightseeing flights operating over and near units of the national park system, the NPS believes that significant park resources are being impaired in some units. Managers of almost one-third of national park system units perceive a problem with some aspect of already existing aircraft overflights. The sound of aircraft is regarded as the primary impact. A survey of park managers confirmed that mechanical noise is among the more serious problems in parks and aircraft noise is the most prominent among these. The perception of noise and adverse effects in units of the national park system may be related to the fact that parks tend to be quieter places in general and that typical sources of noise found in urban and suburban settings are absent in most parks. The potential exists for impairment of park resources and values by the noise and visual intrusion associated with commercial air tour/sightseeing operations in other units where the air tour sightseeing industry is not yet established or developed."

The ANPRM further describes the FAA's authority to regulate overflights of parks and its policy and approach to doing so: "The FAA's authority is not limited to regulation for aviation safety, efficiency, and development. Subsection 307(c) of the Federal Aviation Act provides that FAA air traffic rules and flight regulations may be adopted "for the protection of persons and property on the ground." The FAA considers this protection to extend to environmental values on the surface as well as to the safety of persons and property. Section 611 of the Federal Aviation Act, "in order to afford present and future relief to the public health and welfare from aircraft noise," directs the Administrator to adopt regulations "as the FAA may find necessary for the control and abatement of aircraft noise," including application of such regulations to any of the various certificates issued under Title VI. Finally, it is the general policy of the Federal government that the FAA, like other agencies, will exercise its authority in a manner that will enhance the environment, and that the FAA will make a special effort to preserve the natural beauty of public park and recreation lands, wilderness areas, and wildlife refuges."

The ANPRM proposes a number of options to restrict and/or regulate flights at national parks. The agencies took no position on the individual proposals. Public comment has been sought and received on these proposals and these comments are presently being analyzed by the agency. Among the proposals are: Voluntary measures by tour operators that would impose a minimum burden on operators while providing noise relief.

The Grand Canyon model in which specific routes and altitudes are prescribed, but the number and frequency of flights are not regulated.

Flight-free time periods in which quiet hours of the days, days of the week, or weeks of the year would be prescribed.

Altitude restrictions in which aircraft operating over parks would be required to be above specified altitudes.

Flight-free zones/flight corridors in parks other than the Grand Canyon.

Noise budgets in which operators or groups of operators would be assigned an aggregate amount of noise that could be generated at a park. This would mean that more flights could be flown with quieter aircraft and vice-versa.

Incentives to encourage use of quiet aircraft, such as allocating good sightseeing routes to operators of quiet aircraft.

The two agencies also posed questions, without taking positions on them, for which they sought responses. Among them are: Should sightseeing flights be prohibited over certain national parks? Should all commercial air tour operators be conducted under Part 135 or Part 121, instead of Part 91? Should measures developed for the Grand Canyon and Hawaii become a general model for other parks with actual or potential overflight impacts?

sources. The fees are \$25 per flight for an aircraft with a capacity of up to 25 seats and \$50 per flight for an aircraft with over 25 seats.

Because the law did not establish a collection or enforcement mechanism, the Park Service currently depends on air tour operators to report their numbers of flights and remit accordingly. To date, virtually no fees have been paid by tour operators.

#### V. PENDING LEGISLATION

Congresswoman Patsy Mink introduced H.R. 1696 on April 5, 1993, to "provide for the regulation of the airspace over national park system lands in the State of Hawaii by the Federal Aviation Administration and the National Park Service . . ." The bill has been referred to this Committee and the Committee on Natural Resources. There are three cosponsors of the bill. The Subcommittee on National Parks, Forests, and Public Lands (Chairman Vento) held a hearing on H.R. 1696 on November 18, 1993.

H.R. 1696 would do the following: Make a number of Congressional findings about the value and purposes of Hawaiian national parks; the harmful effects of aircraft overflights on the parks; and the roles and responsibilities of the FAA and the Park Service to mitigate and eliminate those effects.

Directs the National Park Service to identify specific areas where low-flying aircraft may have an adverse impact on the environment; establish a reporting system to document instances of low-flying aircraft; and develop a park service personnel training program to recognize and report instances of low-flying aircraft.

Directs the Federal Aviation Administration to establish a program to communicate concerns about low-flying aircraft with pilots; investigate pilot deviations from FAA requested minimum altitudes; assist the Park Service in communicating with Department of Defense about military operations over national parks; make available to the Park Service the result of investigations by the FAA of pilot deviations; enlist support of aviation organizations to disseminate information about the problems of low altitude flying; and participate in Park Service meetings on these issues.

Establishes no flight zones above four Hawaiian National Historic Parks, certain parts of Haleakala and Hawaii Volcano National Parks; and generally establishes a 2,000 foot minimum altitude over the surface of Hawaii Volcanoes National Park.

Directs FAA and National Park Service to conduct additional assessments of the need for further restrictions on Hawaiian park overflights and prepare informational materials on the problem of overflights.

Requires that air tour operators operate under FAA Part 135 instead of Part 91.

Congressman Pat Williams introduced H.R. 4163, the "National Park Scenic Overflight Concessions Act of 1994," on March 24, 1994. This bill has also been referred to this Committee and the Natural Resources Committee. There are ten cosponsors of the bill.

H.R. 4163 would do the following: Make a number of Congressional findings regarding the value of national parks and the need for FAA and the Park Services to regulate scenic overflights in order to manage park resources effectively; that auditory and visual intrusion of aircraft at low altitudes can be incompatible with preservation of national parks.

Prohibits any commercial tour operator from operating over a national park unless it holds a valid commercial air tour permit issued by the Secretary of the Interior.

Provides the Secretary of the Interior broad authority to determine the standards and circumstances by which permits would be issued and denied.

Directs the Secretary of the Interior to establish specific guidelines (routes, prohibited airspace, etc.) for flights over specific national parks.

Provides FAA authority to overrule the guidelines on safety grounds.

Provides the Secretary of the Interior authority to establish air concession requirements through amendments to general management plans of specific national park units.

Provides that any person violating the permit requirements shall be fined up to \$5,000 or imprisoned for up to 5 years or both.

Requires the FAA to establish a standardized reporting system for low-flying aircraft over national parks and a training program to implement that system.

Directs FAA to amend its regulations to treat aircraft noise abatement at national parks as in the public interest.

Directs the Administrator and the Secretary of the Interior to submit a joint report within three years on the progress made under the Act of mitigating the adverse effects of commercial scenic overflights.

Provides that any person violating the permit requirements shall be fined up to \$5,000 or imprisoned for up to 5 years or both.

Requires the FAA to establish a standardized reporting system for low-flying aircraft over national parks and a training program to implement that system.

Directs FAA to amend its regulations to treat aircraft noise abatement at national parks as in the public interest.

Directs the Administrator and the Secretary of the Interior to submit a joint report within three years on the progress made under the Act of mitigating the adverse effects of commercial scenic overflights.

Finally, it should be noted that last week during Senate Floor consideration of the FY 1995 Department of Transportation Appropriations bill, Senator Murkowski offered an amendment, which was adopted, that no funds may be expended in FY 1995 to restrict overflights and landings of aircraft on federal public lands, including national parks in Alaska. There is no similar provision in the House-passed DOT appropriations bill.

#### VI. ANTICIPATED WITNESSES

Testimony will be received from the following individuals and organizations: Congresswoman Patsy T. Mink, Congressman Pat Williams, Congresswoman Barbara F. Vucanovich, Congressman Collin L. Peterson, Senator Richard H. Bryan, Senator Harry Reid, Senator John McCain, Former Senator Barry Goldwater, Federal Aviation Administration, National Park Service, National Parks & Conservation Association, Wilderness Society, Grand Canyon Trust, Grand Canyon Air Tour Council, Grand Canyon Air Tourism Association, Pappillon Airways, Scenic Airways, Department of Aviation, Clark County, Nevada, Citizens Against Noise (Hawaii), Sierra Club Legal Defense Fund (Hawaii), Hawaiian Helicopter Operators Association, Aircraft Owners and Pilots Association, Helicopter Association International, McDonnell/Douglas Corporation, National Air Transport Association, Regional Airline Association, National Association of State Aviation Officials, State of Minnesota, State of Alaska.



# LEGISLATION AND REGULATIONS AFFECTING SCENIC OVERFLIGHTS ABOVE NATIONAL PARKS

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WEDNESDAY, JULY 27, 1994

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON AVIATION,  
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 9:30 a.m., in room 2175, Rayburn House Office Building, Hon. James L. Oberstar (chairman of the subcommittee) presiding.

Mr. OBERSTAR. The Subcommittee on Aviation will please come to order.

Today's hearing is on the fascinating, contentious and commercially, environmentally important subject of existing and proposed laws and regulations governing scenic oversights over our national parks and recreation areas.

It has been 7 years since Congress enacted Public Law 191, the National Park Overflights Act, a joint effort of this subcommittee and a subcommittee of the Committee on National Resources. That law has been effective in solving some of the problems presented by the air tour industry at three specific parks; Grand Canyon, Yosemite and Haleakala in Hawaii.

The law also required a comprehensive study on the effects of overflights on national parks and their visitors. That study has been 4 years in the making. And obviously it is way overdue, but we are assured it should be available soon.

While the law has had a beneficial effect, there are justifiable concerns that aircraft noise from scenic overflights continues to be a problem, not just at these parks but increasingly at other national treasures as well. These concerns have stirred Secretary of Transportation Peña and Secretary of the Interior Babbitt to launch a high-profile, interagency, interdepartmental effort to develop fresh policies in this area, which certainly is a welcome initiative. The two departments issued an advanced proposed notice of rulemaking to receive opinions from the public as to how best to proceed.

Park overflights are no mom-and-pop operation. Scenic air tours are a \$500-million-a-year business. Half of that business is connected with the Grand Canyon. Forty-five tour operators there flew some 800,000 people at Grand Canyon in 1993.

In my opinion, there is room for common-sense regulation and guidelines to protect the national parks and their visitors from in-

trusive aircraft noise and still allow people to see the national treasures in a nondestructive manner and to allow a wide range of the public to view these areas as, being handicapped or elderly, they are not able to do otherwise.

Both departments and both the National Parks Service and the FAA have set forth a range of options from voluntary actions on the part of the air tour industry to those that might be considered more governmental initiated and regulatory. It should be clear to all that these options have been set forth but they are not ones endorsed or subscribed to by either department yet at this time. This is a formulative phase, and I think a timely opportunity for a hearing to help both departments and both agencies think through more clearly where they need to focus.

The air tour industry is a tremendous American business success story. It has grown from a small, virtually fringe element in aviation to a vigorous, half-billion-dollar-a-year economic sector. Over a million people get on scenic touring flights each year.

In Hawaii, something like 90 percent of the visitors are from overseas, adding to our balance of payments surplus. Scores of companies are involved, thousands of people are employed. And at the Grand Canyon, where most of the activity is, the industry has grown with an incredible rate of increase that any other sector of our economy would envy and love to emulate. And it has grown under strict regulations about where aircraft can fly.

I think it is important to keep in mind that this industry has grown very significantly at the Grand Canyon, under very strictly regulated conditions, as an indicator that regulation does not assure economic ruin and that cooperation among parties can mean economic growth, opportunity, jobs, and protection of the environment.

We will hear a litany of opportunities of options to consider for maintaining quiet areas, quiet zones, quiet times of day, that all will represent compromise, but that will contribute to the continuity of this industry as well as respect for this environment that is so fragile.

This is not an industry that is going to live or die if there is common-sense regulation of its activities. Clearly, healthy growth can be sustained, from my analysis of the sector, even under a relatively strict and regulated environment such as exists in the Grand Canyon or Hawaii. But regulation has to be common sense, has to be balanced, has to take into account all of the factors and all of those who are involved in both the enhancement of the economy and the protection of the natural resource.

I have talked with a great many of those who are witnesses and those who are not witnesses today. Tour operators believe that final policy in this area will be to ban overflights. For those who have advocated outright banning of overflights, this is not the goal, as I have determined it, of the National Parks Service or of the FAA, and certainly is not the view of the Congress expressed in the law passed several years ago.

But we do have a responsibility to all interests to formulate good, intelligent, and balanced policies on park overflights, just as we have a responsibility to develop policy protecting residential and

urban areas adjacent to national facilities, including our airports throughout the country.

We have a full day of testimony ahead of us. Witnesses with a stack of testimony. I sat up until 1 or 1:15 this morning, 4 or 5 hours of reading everything that has been printed and submitted in time for us. So I want to urge witnesses to summarize their testimony. They have been advised to do so ahead of time. There are questions we would like to get to. All of the testimony and all of your supporting documentation will be included in our hearing record.

And it is good testimony, compelling testimony, and a very fascinating subject area, one that I have long had an interest in, coming from northern Minnesota, where President Truman imposed an overflight ban over the wilderness area back in 1948. It didn't kill the wilderness, but banning motor boats almost killed all the tour operators around the wilderness area.

I want to ask unanimous consent that the summary of subject matter prepared by our staff be included at the outset of the hearing record, and I want to express my very great appreciation to staffer, David Traynham, for his splendid work in developing this hearing. I would also like to place Mr. Costello's prepared statement in the record.

[Mr. Costello's prepared statement follows:]

JERRY F. COSTELLO  
12TH DISTRICT, ILLINOIS  
PLEASE RESPOND TO THE  
OFFICE CHECKED BELOW

COMMITTEES  
BUDGET  
PUBLIC WORKS AND TRANSPORTATION  
SCIENCE, SPACE, AND TECHNOLOGY  
(DH LEAVE)

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1312**

OPENING STATEMENT OF CONGRESSMAN JERRY COSTELLO

SUBCOMMITTEE ON AVIATION

PUBLIC WORKS AND TRANSPORTATION COMMITTEE

HEARING ON LEGISLATION AND REGULATIONS AFFECTING SCENIC  
OVERFLIGHTS ABOVE NATIONAL PARKS

JULY 27, 1994

Mr. Chairman, I want to thank you for calling today's hearing on this important issue. Your leadership on all issues affecting aviation is appreciated.

Given the recent growth in the air tour industry at national parks, the importance of today's hearing is clear. Our subcommittee must determine whether there are appropriate federal regulations and laws limiting these flights and protecting the environment of these nationally protected lands. With over 300 tour flights a day over the Grand Canyon during peak tourist season, one can see the impact these flights could have on the experience of a tourist on the ground.

I am hopeful that today's hearing will focus on these important issues. I look forward to hearing from witnesses on all sides of the issue and hope that a reasonable balance between the differing perspectives can be reached.

Again, Mr. Chairman, thank you for calling the hearing today.

Mr. OBERSTAR. My colleague, Mr. Clinger.

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

As you have indicated, today's hearing will explore the impact noise produced by commercial helicopters, fixed-wing helicopters carrying visitors over some of our Nation's most rugged and beautiful national parks has on the environment. The issue pits the desire of some visitors or the need on the part of some visitors to view parks quickly and conveniently against park visitors who desire a pristine and isolated wilderness experience.

In an effort to gain control of the growth in air tour operations, bills have been introduced giving the National Parks Service authority to control airspace through the creation of no-flight zones and restricted routes, and requiring the air tour operators to purchase concession permits based on broad, unspecified standards, and to flatly restrict overflights above certain park units.

I have some reservations about the need to restrict air tour companies. I have a much deeper concern about the precedent of statutorily directing the Federal Aviation Administration to cede some of its authority over its Nation's airways for other than national security reasons. Indeed, in my view, it would be unprecedented.

As everyone in this room well knows, the solution generated by overflights is a very contentious issue, not just in parks but certainly in many communities with airports and surrounding residential areas. This in spite of the fact that Park 121 and 135 are investing billions of dollars to convert their fleets to quiet stage 3 aircraft. And noisy planes are not necessarily limited to neighborhoods underneath departure paths. Outlying areas to hub airports are known to object to aircraft flying 5,000 to 10,000 feet above ground level, though this problem is certainly not isolated to national parks.

As we begin to debate the merits of establishing a mechanism, we should not lose sight of the precedent of ceding FAA's authority to another entity or entities. Such an action could open the door to efforts by units of local government all across the country who would hope to severely restrict overflights and the effects of such limitations would be impossible to calculate with certainty. It would be highly disruptive to our national airway system which now carries well over 90 percent of our Nation's inner city passengers.

So it would be my hope, Mr. Chairman, that as we move in the direction of legislation governing air flights, something needs to be worked out between the FAA and Park Service that would serve both interests.

Mr. OBERSTAR. Thank you very much. As always, thoughtful and scholarly comments.

Are there other Members of the subcommittee?

Mr. Swett.

Mr. SWETT. Mr. Chairman, thank you.

I just wanted to say I am glad that the subcommittee is holding these hearings today. I would like to express a special welcome for a representative from my State of New Hampshire who will be testifying a little later on today. Harold Buker is here today in his capacity as President of the National Association of State Aviation Officials. In New Hampshire he is better known as the Director of

Aeronautics in the New Hampshire Department of Transportation, where he has done a great deal for aviation in our State. I am very pleased to see him here today, and the National Association of State Aviation Officials is very lucky to have him as their President this year.

Harold, besides being a distinguished official in New Hampshire, also happens to be a constituent of mine, and lives in the foothills of the beautiful White Mountains of New Hampshire, one of our country's oldest national parks. This is yet another reason why he is well qualified to address the important issues we are going to be exploring today.

I apologize, Mr. Chairman, that I will be in and out of this hearing due to other responsibilities, but I look forward to hearing Mr. Buker's testimony as well as the testimony of the other fine and distinguished witnesses on the important topic that our hearing will address today.

Thank you, Mr. Chairman.

Mr. OBERSTAR. The gentleman from Florida, Mr. Mica.

Mr. MICA. Mr. Chairman, I don't have a written opening statement or anything to submit to the record, but I do want to thank you for conducting this hearing on noise and safety, particularly as it deals with our national parks.

Knowing how important that issue is to the Members, both of the House and the Senate, in coming from the State of Florida and a district where I represent just a third of a national park, National Canaveral Seashore, we don't have a noise and safety problem there, but we do have a problem with people keeping their bathing suits on.

I can tell you that causes us no end of consternation. So I don't have to deal with the noise and safety problem, but I look forward to your testimony, as you all bare your problems before us.

Mr. OBERSTAR. I don't know if keeping bathing suits on is a safety problem.

The gentleman from California, Mr. Horn.

Mr. HORN. Thank you, Mr. Chairman.

I commend you for holding these hearings. I spent a year of my life on a noise task force in the case of the Long Beach Airport. I am very sympathetic with some of the considerations that have been made. And we are in two markups starting in one minute this morning, but I can assure you we will give consideration to every word that is uttered one way or another.

I look forward to hearing the testimony and the witnesses here today.

Mr. OBERSTAR. I urge the gentleman to stay here. It will be a lot more fun, and you won't get anyone mad at you as you would in the markup.

Mr. Clinger.

Mr. CLINGER. I just wanted to say, Mr. Chairman, I meant to thank our very able intern this summer, T. J. Calles, who participated in the preparation for this hearing.

Mr. OBERSTAR. I concur in that opinion. I want to express my appreciation as well.

We have a distinguished opening panel and we will, since this hearing is being held in the House, start with a House Member and alternate back and forth.

Representative Mink.

**TESTIMONY OF HON. PATSY T. MINK, A REPRESENTATIVE IN CONGRESS FROM HAWAII**

Mrs. MINK. Thank you very much, Mr. Chairman.

Mr. OBERSTAR. She has legislation introduced on this subject.

Mrs. MINK. I appreciate this opportunity to testify on my bill, H.R. 1696, which seeks to restrict flights over certain areas of Hawaii's national parks.

A tremendous growth of unrestricted and unregulated helicopter flights in and around Hawaii's national parks has allowed helicopters and low-flying aircraft to jeopardize the safety of residents and visitors, intrude upon the lives and health of our residents, impose upon the peace and tranquility of our national parks, and cause irreparable damage to the unique ecosystems of Hawaii.

According to FAA figures, there are approximately 48 aircraft tour operators with somewhere between 80 and 90 helicopters and a few fixed-wing aircraft currently operating in Hawaii.

Reports from the Hawaii helicopter tour industry that have appeared in our newspapers indicate they expect to fly a record 700,000 passengers this year, which comes pretty close to the figures that the Chairman indicated for the Grand Canyon. If the average flight carries six people, that means there will be 116,000 helicopter flights this year in Hawaii, or 319 flights a day.

Mr. Chairman, I would like to ask unanimous consent that some of the letters that I have received from constituents regarding these flights over their residences be permitted to be attached to my testimony.

Mr. OBERSTAR. The Chair will receive the letters and will add it to the volume of our hearing record. Perhaps you might want to select some.

Mrs. MINK. The evidence seems clear to me that the uncontrolled growth of the industry has resulted not only in loss of life because of the reckless manner in which some of the helicopters have been operated, but also because of the noise factor that it has created and the harm that it has caused on the national parks themselves.

For nearly four years we have been awaiting the national parks report which was required under the Public Law that the Chair has mentioned. And the delay in issuing this report has hampered tremendously the implementation of effective regulations to help the national parks officials come to grips with this problem.

The hearing that we had in the Subcommittee on National Parks revealed that this report was imminent, it should have been released sometime in May or June. It has not yet been produced by the parks department. And I urge this committee to press upon the officials who will be testifying as to when this report can be expected.

The Haleakala National Park was referenced in the Public Law that this committee enacted. However, no restrictions or regulations have been imposed on Haleakala. What was called for in the legislation was a report to indicate the severity of the problem. And

I think everyone that has watched this scene will concur that the problems have exacerbated over the last seven years, and it is time for action to be taken.

Individuals in the industry and other persons connected with the tour industry will argue that voluntary compliance on the part of the helicopter industry is all that is required.

Mr. Chairman, I must advise that notwithstanding all the efforts at voluntary compliance by the air tour companies, very little results have come forth in terms of compliance. The FAA has tried valiantly to enter into this discussion and debate, but they have yet to come forward with effective regulations.

Recently, as a result of two accidents that occurred on the same day, I believe it was the 12th of July, a large force of FAA individuals had gone out to investigate at least the safety elements of our tour industry.

But I am here today to talk beyond the safety question, because I think that the noise issue is one that has been ignored and severely left in terms of assumption of responsibility by FAA. I have no desire to enter into a debate on the jurisdiction of the FAA. But the failure of the FAA to acknowledge that within their mission is the requirement of connecting safety and noise in terms of the properties of the Federal Government as well as the residences that reside along and in that route.

My legislation does not ban tours over national parks. It seeks to restrict and regulate the flights. There are no ban zones that we think are particularly precious and requiring protection to the degree that flights should not be permitted.

But overall there will be flight areas permitted in the park, and we call upon the Park Service and the FAA to set forth these areas. We call for altitude limitation so that these flights will not fly low over the parks or over the residential corridors which they will frequent.

One of the things that came to light as a result of the accident a few days ago in Hawaii is that flotation devices are not required for these tour operators. And it seems to me that the first requirement that we should make for the safety of the persons who are using this industry is that all helicopters used for passenger carrying should be required to have flotation devices.

That also has a parallel impact on the noise factor, because if flotation devices were required they could be required to fly along the seacoast in the ocean areas before entering into the zones leading up to the national parks, and that would, I think, alleviate a large part of the noise problem.

I have letters, Mr. Chairman and Members of the subcommittee, that advise me that daily there are 50 to 60 flights over their homes on the island of Maui.

So I submit that it is time for the Congress to act, and I hope that you will see fit to report my legislation, H.R. 1696, favorably. It has the interests of all parties concerned. It is limited to the national parks in the State of Hawaii. There is an obvious continuum of interest expressed by this subcommittee and Congress seven years ago. And I urge favorable consideration of the bill that you are considering today.



Thank you very much. I ask unanimous consent that my entire testimony be submitted.

Mr. OBERSTAR. Without objection, so ordered.

[Mrs. Mink's prepared statement and letters follows:]

PATSY T MINK  
SECOND DISTRICT HAWAII

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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1102**

COMMITTEE ON STEERING  
AND POLICY  
COMMITTEE ON BUDGET  
COMMITTEE ON EDUCATION  
AND LABOR  
SUBCOMMITTEES  
ELEMENTARY, SECONDARY & VOCATIONAL EDUCATION  
POSTSECONDARY EDUCATION  
LABOR MANAGEMENT RELATIONS  
COMMITTEE ON NATURAL RESOURCES  
COMMITTEE ON GOVERNMENT OPERATIONS  
(01/19/88)

TESTIMONY BY U.S. REPRESENTATIVE PATSY T. MINK  
BEFORE THE AVIATION SUBCOMMITTEE  
HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION  
H.R. 1696, FLIGHTS OVER NATIONAL PARKS  
JULY 27, 1994

Mr. Chair and members of the subcommittee, I am pleased to have the opportunity to testify on my legislation, H.R. 1696, which seeks to restrict flights over certain areas in Hawaii's National Parks.

The tremendous growth of unrestricted and unregulated helicopter flights in and around Hawaii's National Parks has allowed helicopters and low-flying aircraft to jeopardize the safety of residents and visitors, intrude upon the lives and health of our residents, impose upon the peace and tranquility of our national parks, and cause irreparable damage to the unique ecosystems in Hawaii.

According to FAA figures, there are approximately 48 aircraft tour operators with somewhere between 80 and 90 helicopters and a few fixed-wing aircraft currently operating in Hawaii.

Reports from the Hawaii helicopter tour industry indicate that they expect to fly a record 700,000 passengers this year. If the average flight carries 6 people that means there will be 116,666 helicopter flights this year in Hawaii, or 319 flights a day, all traveling in a few selected, most popular areas.

Evidence is clear that the uncontrolled growth of this industry has resulted in the loss of life and an auditory assault on the residents of Hawaii at a level and frequency beyond tolerance.

For three and a half years, I have received numerous complaints from resident living near national parks and other popular tour areas of repeated low-flying helicopters. Reports of 50 or more flights a day over a residence, lengthy hovering, and helicopters flying less than 100 feet from a residence are common.

On the Island of Hawaii, those living near the Volcanoes National Park have said that tour helicopters fly low enough to shake the dishes off their kitchen shelves. One resident who needed to preserve his sanity by moving away from the Volcanoes National Park wrote, "on some days hundreds of flights were made into my area. Many were directly over my home and at just above treetop level."

The effects of consistent, long-term helicopter overflights on an individual's emotional and physical well-being cannot be underestimated. Besides disrupting the basic ability to think clearly and concentrate, constant doses of grating noise pose a real danger to one's priceless ability to hear.

Residents have reported erratic behavior in children caused by constant overflights; some even so terrified by the helicopter noise that they fear death. This is not the way people should be forced to live nor a way for our children to grow up in Hawaii.

In addition to the severe impacts on our residential communities the increase in helicopter activity in and around the Hawaii's National Parks has proven detrimental to the environment within the Park and the experience of the thousands of visitors who come to Hawaii's National parks.

In Hawaii we are fortunate to have two of the most unique and pristine units of the National Park System. Yet the tranquility of Haleakala National Park and Hawaii Volcanoes National Park has been destroyed by the onslaught of helicopter tours.

Consider the following comments I received from Park visitors. A Michigan woman wrote expressing her indignation at the "infernal racket" of helicopters which did nothing but "rape" the charm of the natural wonders she visited by foot. An Alaska resident said that his hike though Haleakala left him feeling as if he had just survived a military assault instead of a walk through a pristine, natural setting.

An Oahu resident who visited upcountry Maui, an area near Haleakala, wrote that he feared for the safety of passengers on these helicopters which flew at the treetops, and said he saw birds everywhere startled out of their natural habitats. During conversation with friends, he wrote, "we had to stop talking because we could not hear each other when a helicopter was flying over."

It is the natural beauty, distinctive characteristics, historical and cultural significance that attract so many visitors to our parks. However, if we do not protect these precious resources, they will no longer exist for people to experience on the ground or to view from above.

A fair and balanced solution is attainable. But to date, the actions of both the National Park Service and the Federal Aviation Administration have been minimal at best to resolve this issue.

This issue is not new. In 1987, the Congress expressed its strong concern about helicopter overflights. Through the efforts of Senator Akaka and others here today the National Parks Overflights Act (P.L. 110-91) was enacted, which required the National Park Service to do a study within three years on the impact of helicopter flights over national parks. But now, seven years later, this study has not been completed stalling final action by the Park Service.

As a result, reckless flights near lava flows continue to endanger lives of tourists and park rangers, current minimum altitudes at Haleakala are not enforced, and flights are not restricted in sensitive areas.

On April 5, 1993, I introduced H.R. 1696, which sets forth a fair and balanced resolution by establishing flight-free zones in certain areas of the Hawaii's National Park system and sets a minimum altitude of 2000 ft. for helicopter and fixed-wing flights over all other segments of the park system.

Let me be clear that this legislation does not completely ban helicopter flights within the parks. It establishes certain restrictions within Hawaii's parks and clearly designates National Park Service and FAA authority and responsibility in monitoring and enforcing park overflights.

The FAA opposes this legislation on the grounds that legislative action is not necessary due to the FAA's ability to provide relief through administrative procedures. Frankly, Mr. Chair we in Hawaii have no confidence in an agency that for years has refused to take our concerns seriously.

For the first two and a half years I worked on this issue the FAA denied that they had any jurisdiction whatsoever to even consider the issue of noise due to excessive helicopter flights.

Prior to the introduction of my legislation FAA had done nothing to enforce existing rules set forth in P.L. 100-91, or to address the noise and safety concerns of national park visitors and residents.

The only way to assure adequate protection of our parks and resident who live near the parks is to place permanent protections in the law. Voluntary agreements and regulatory actions without any enforcement are meaningless.

Mr. Chair, we in Hawaii have been waiting too long for relief to be content with mere promises. People have lived and died in the shadow of intrusive and destructive helicopter noise with no

relief from the federal agency charged with assuring safe and efficient use of our air space.

We deserve clear, reasonable, and enforceable standards to help preserve our natural resources, ensure the health and safety of visitors and residents, and eliminate excessive noise in the quiet tranquility of our parks and their surrounding areas.

I urge you to act swiftly on approving H.R. 1696. And again, thank you for the opportunity to testify.

HELENE H. HALE  
Councilwoman



COUNTY COUNCIL

County of Hawaii  
Hawaii County Building  
25 Aupuni Street  
Hilo, Hawaii 96720

July 13, 1994

The Honorable James Oberstar, Chair  
House Of Representatives  
Subcommittee On Aviation  
C/O David Traynha  
2251 Rayburn Office Building  
Washington, D.C. 20501

Dear Chairman Oberstar & Members:

Our Hawaii Volcanoes National Park is a World Heritage Site, helicopters flying over a wilderness area are highly inappropriate and destroy the purpose and effectiveness of the National Park as a place for hiking, picnicking, and enjoyment of nature.

The helicopter business has grown too rapidly and it is time the federal government regulated it. It is intrusive and efforts at self regulation have failed as our residents continue to complain of low flights over residences.

We appeal to the Congress to enact House Resolutions #1696, 4163 and any other similar measures to study and propose rules to ensure the safety, peace and security of the citizens and the tranquility of our national parks.

Sincerely,

*Helene H. Hale*  
Helene H. Hale  
Councilwoman, 5th District  
Hawaii County Council

HHH/ctd

KEIKO BONK-ABRAMSON  
Councilwoman



Phone: (808) 961-8262  
Fax: (808) 969-3291

COUNTY COUNCIL

County of Hawaii  
Hawaii County Building  
25 Aupuni Street  
Hilo, Hawaii 96720

July 15, 1994

to: **Honorable James Oberstar, Chair**  
**U.S. House of Representatives**  
**Subcommittee on Aviation**  
**c/o David Traynham**  
**2251 Rayburn House Office Bldg.**  
**Washington, D.C. 20591**

Dear Chairman Oberstar and & Members:

Twenty-one persons have been killed in Hawaii in the last five years flying in fixed-wing tour aircraft, and 18 persons have been killed in helicopter accidents since 1992. Three persons lost their lives in a drowning incident just yesterday (July 14, 1994) when their tour helicopter crashed into the sea off the island of Kauai. Seven others barely escaped serious injury several hours later on the same day off the island of Molokai, when their tour helicopter crashed into the ocean east of Kalaupapa Point.

Most of these air-tour accidents have been investigated by the National Transportation Safety Board, which made recommendations for the improvement of safety protection which have not been implemented by the Federal Aviation Administration.

The recent series of fatal accidents suggest that FAA has failed to establish adequate safety rules for the operation of these tour aircraft in the State of Hawaii. The two most recent accidents, one of them resulting in three fatalities, involved an aircraft flying too low and slow and in a dangerous environment which precluded a safe landing on the ground below.

In light of these series of incidents, the Hawaii County Council has introduced and passed unanimously two Resolutions asking for help from the agencies which regulate tour aircraft in Hawaii. Resolution 17-93 required that a Memorandum of Agreement be created between the National Park Service and the FAA for stricter control of tour aircraft over Hawaii Volcanoes National Park, which lies within my 6th Council District. Resolution 101-93 asked for a permanent FAA presence on the Big Island of Hawaii to assure safer tour aircraft flight in Hawaii. They are both attached for your Subcommittee's review.

We ask that the U.S. House Aviation Subcommittee move quickly to approve H.R. 1696 and H.R. 4183, which would improve the safety of these tour flights in Hawaii. Failure to regulate these flights is threatening the lives of tourists who are unsuspecting that these flights could be dangerous.

Sincerely,

*Keiko Bonk-Abramson*

Keiko Bonk-Abramson  
Councilwoman, 6th District  
Hawaii County Council

## COUNTY OF HAWAII STATE OF HAWAII

RESOLUTION NO. 101 93  
(DRAFT 4)

CONCERNING STATIONING OF FAA PERSONNEL ON THE BIG ISLAND OF HAWAII

WHEREAS, the Council of the County of Hawaii recognizes that lack of enforcement of existing laws and regulations that apply to low flying helicopters and aircraft over residential and Hawaii Volcanoes National Park is an ongoing problem; and

WHEREAS, such flights pose a serious, ongoing nuisance to many residents; and

WHEREAS, the Federal Aviation Administration (FAA) has the authority and responsibility to monitor and enforce existing laws governing the aviation industry; and

WHEREAS, personnel at the Hawaii Volcanoes National Park, members of the public, and the Council of the County of Hawaii have been frustrated in their attempts to deal with the problems posed by low flying helicopters and aircraft in large part because the FAA has not stationed any personnel on the Big Island of Hawaii; and

WHEREAS, such flights caused the expenditure of government funds to man rescue operations; and

WHEREAS, the Council of the County of Hawaii believes that the stationing of FAA personnel on the Big Island of Hawaii is essential to the enforcement of existing laws and regulations governing the tour aircraft industry; and

WHEREAS, the newly established Noise/Nuisance Abatement Performance Evaluation System (NAPES) offers a potential long term remedy to existing problems.

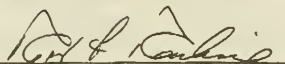


NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Hawaii that it urges Hawaii's congressional delegation to station FAA personnel on the Big Island of Hawaii.

BE IT FURTHER RESOLVED that the Clerk of the County of Hawaii transmit copies of this resolution to Senator Daniel K. Inouye, Senator Daniel K. Akaka, Representative Patsy T. Mink and Representative Neil Abercrombie.

Dated at Hilo, Hawaii, this 20th day of October, 1993.

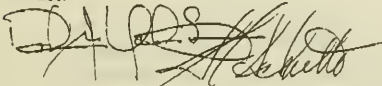
INTRODUCED BY:

  
 COUNCILMEMBER, COUNTY OF HAWAII

COUNTY COUNCIL  
 County of Hawaii  
 Hilo, Hawaii

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawaii on October 20, 1993

ATTEST:



ROLL CALL VOTE

	AYES	NOES	ABS	EX
ARAKAKI	X			
BONK-ABRAMSON	X			
CHILDS	X			
DE LIMA	X			
DOMINGO	X			
HALE	X			
RATH	X			
ROSEHILL	X			
SCHUTTE	X			
	9	0	0	0

Reference C-565/HS&PWC-62

## COUNTY OF HAWAII STATE OF HAWAII

RESOLUTION NO. 17 93  
(DRAFT 2)

WHEREAS, our Hawaii Volcanoes National Park is subject to a problem of helicopter overflights by those companies or individuals operating in clear violation of FAA regulations; and

WHEREAS, such flights are dangerous and have resulted in a recent incident of an accident in an active crater; and

WHEREAS, our National Park exists to preserve our native flora and fauna; and

WHEREAS, helicopter noise is disturbing to the park personnel and to our visitors as well as the wildlife within the park; and

WHEREAS, in the past five years helicopters over the National Park increased from 30% of the time to over 80%; and

WHEREAS, Grand Canyon National Park has mandated no flight zones over the Canyon; and

WHEREAS, the Federal Aviation Agency is now mandated to enter into Memoranda of Agreements with the National Parks Service and the Fish and Wildlife Service to restrict and monitor helicopter flights including setting minimum altitudes, flight free zones and minimum heights above people assembled on the ground.

NOW THEREFORE BE IT RESOLVED, by the Council of the County of Hawaii that it request the FAA to enter into an Interagency Agreement with the Hawaii Volcanoes National Park to set standards for helicopter flights over the Park, including other regulations that will insure the safety of people and wildlife in the Park; and

BE IT FURTHER RESOLVED that the State Department of Land & Natural Resources explore with the FAA similar rules regarding flights over state area reserves and other sensitive areas; and

BE IT FURTHER RESOLVED that the Clerk of the County of Hawaii transmit copies of this Resolution be sent to John Gordon, Regional Administrator, Federal Aviation Agency, to Governor John Waihee, William Paty, Chairman, Department of Land and Natural Resources, to Hugo Huntzinger, Superintendent, Hawaii Volcanoes National Park and Richard Wass, Refuge Manager, Hakalau Forest National Wild Life Refuge.

Dated at Hilo, Hawaii this 24th day of March, 1993.

INTRODUCED BY:

*Helene Hokale*  
 COUNCILMEMBER, COUNTY OF HAWAII

*Leslie Bonk Abramson*  
 COUNCILMEMBER, COUNTY OF HAWAII

COUNTY COUNCIL  
 County of Hawaii  
 Hilo, Hawaii

ROLL CALL VOTE

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawaii on March 24, 1993.

ATTEST:

*[Signature]*

	AYES	NOES	ABS	EX
ARAKAKI	X			
BONK-ABRAMSON	X			
CHILDS	X			
DE LIMA	X			
DOMINGO			X	
HALE	X			
RATH	X			
ROSEHILL				X
SCHUTE	X			
	7	0	1	1
Reference	C-110/HS&PWC -5 (Amended)			

TOTAL P.05



# OUTRIGGER

Hotels Hawaii  
EXECUTIVE OFFICES

Via Facsimile (202) 225-0699

July 22, 1994

The Honorable James Oberstar  
Chairman, Aviation Subcommittee  
United States House of Representatives  
2366 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Oberstar:

It is my understanding that the House-Senate Conference Committee has begun its deliberation on the FAA Authorization Bill. I am particularly concerned with Section 209 of Senate Bill 1491 which would allow the re-regulation of inter-island air service in the State of Hawaii.

As I have mentioned in my previous letters, re-regulation of the airline industry in Hawaii will have devastating results. The ultimate loser of inter-island airline re-regulation will be the people of this State.

We do not need to re-regulate inter-island air travel in Hawaii or any other state in the union.

- As we all know, this goes against national policy of de-regulation, which you must agree, has been good for the consumer both nationwide and here in Hawaii.
- The Air Task Force of Hawaii's 1993 Tourism Congress, on which a representative from Aloha Airlines served, stated that "Act 332 [re-regulating inter-island air service] should be repealed."
- After Hawaii gets re-regulated, will California or other states be next in line?
- Aloha Airlines is financially stable and does not need protection.
- Hawaiian Airlines is in Chapter 11 due to past management decisions, but are about to resolve that situation.

2375 Kuhio Avenue, Honolulu, Hawaii 96815-2939

Telephone: 808-921-6600 • Facsimile: 808-921-6655 • Telex: MCI 650-505-8963

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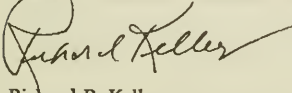
Letter to The Honorable James Oberstar  
July 22, 1994  
Page 2

- As you know, the air carriers are key to the health of tourism and Hawaii's economy. Put barriers up to airline service and you put walls up on Hawaii's visitor industry.
- The irony is that besides hurting the entire state of Hawaii, if inter-island air travel is re-regulated, Hawaii's local airlines will have less business and will probably hurt as well.
- Re-regulation will surely cause the price of inter-island air travel to rise with little chance of it ever coming back down. Since national de-regulation of the airline industry, air fares between the islands have not changed significantly. In fact, considering the cost of living changes, inter-island rates have actually dropped! Who has benefited? The residents of Hawaii.

I would like to urge you to take a statesman's view of this issue, putting common sense ahead of politics. Hold fast with the House version of the proposed legislation as it pertains to re-regulation of air travel in Hawaii.

Congressman, I hope that yours will be that voice of reason, and I encourage you to use your best effort in not allowing the re-regulation of airlines in Hawaii.

Mahalo,



Richard R. Kelley  
Chairman & CEO

RRK/ms

Enclosures



*Hilton Hawaiian Village*

PETER H. SCHALL  
Managing Director  
Area General Manager-Hawaii

July 19, 1994

The Honorable Norman Mineta

Dear Congressman Mineta:

On behalf of the Hilton Resorts in Hawaii, I am writing to urge you to reject attempts to re-regulate Hawaii's inter-island air service. I understand that this language has been inserted into the Senate version of the FAA Authorization Act and will be taken up at Conference Committee in the next few weeks.

As you may know, these are difficult times for Hawaii's tourism-based economy. The entire industry is working earnestly to meet the challenges that confront us. It would be a major policy error, nationally as well as locally, to tinker with the existing free skies policy. Where and when will we draw the line?

With such action fares will increase, service may become indifferent, and competition would be forever stifled. Who benefits? Certainly not the consumer nor the local economy; but most definitely not the existing carriers. A monopoly to serve the public interest is one thing ... a monopoly to serve the interest of but a few is an abuse of governmental powers.

This nation was built on free, fair competition. Isolation and protectionism serve no one but a few. Please do not be swayed by a small number of vocal proponents favoring this legislation. The impact of this anti-business and anti-consumer measure is far to severe.

Therefore, as you take up the "Aviation Re-authorization Bill," we urge you to remove provision 209 from the U. S. Senate Bill S. 1491.

Sincerely,

Peter H. Schall

PHS:gi





## SIERRA CLUB, HAWAII CHAPTER

112 Merchant Street, Honolulu, Hawaii 96813  
 P.O. Box 2577, Honolulu, Hawaii 96803  
 (808) 538-6616

TESTIMONY REGARDING LEGISLATION AND REGULATIONS  
 AFFECTING SCENIC OVERFLIGHTS ABOVE NATIONAL PARKS

JULY 27, 1994

Aloha. Chairman Oberstar and Members of the Subcommittee on Aviation. My name is Nelson Ho and I am the Chairman of the Hawaii Chapter of the Sierra Club.

We deplore the deterioration of the environment caused by increasing commercial air tour operations and strongly petition you to favorably act on legislation to eliminate scenic overflights above National Parks across this country and regulate other aspects of the intrusive helicopter industry. Up to now citizen's efforts to redress this issue have been sneered at by tour operators and government agencies have been impotent in regulatory attempts.

### HELICOPTER AIR TOURS HAVE TRASHED THE NATIONAL PARK SYSTEM

The helicopter and fixed wing air tours have despoiled the quiet and restful nature of this country's beautiful outdoor treasures. Hawaii has seen severe noise impacts as a direct result of this intrusive side effect of tourism. There are now over 100 helicopters flying statewide and no area of our beautiful state is immune from this airborne assault.

All types of visitors to our National Park System are managed in one way or another to preserve park values for all visitors, present and future. This management desperately needs to be extended into the airspace above the parks.

### AIR TOURS HAVE BEEN SUBSIDIZED BY LAX SAFETY STANDARDS AND THE HEALTH AND WELL BEING OF RESIDENTS AND RECREATIONAL USERS ON THE GROUND

It is now clear that this arrogant industry is being subsidized with the peace and quiet of residents, outdoor recreational visitors seeking solitude, and the health and well-being of its passengers.

### STOP THE SUBSIDIES NOW

The recent surge in deaths of passengers and greater irritation of residents along the flight path should alone be a cause for action, but in Hawaii the case is even more urgent. This state is noted worldwide for its biological diversity. That very special quality is being threatened by ever increasing flights over threatened and endangered bird habitats and ecosystems. Increasingly, National Park researchers, federal agency biologists and resident observers of bird behavior have noted that low-flying tour helicopters disturb breeding and nesting patterns.

Please stop these unacceptable subsidies now. Please restrict the harassment that citizens are now being bombarded with. Thank you.

Recycled paper

July 23, 1994

Chair James Oberstar  
 Subcommittee on Aviation  
 2251 Rayburn House Office Building  
 Washington, D.C. 20515-6257  
 Fax: 202-225-0699

Dear Mr. Oberstar,

Following are my concerns and recommendations regarding tour overflights of my subdivision and others' in the Hawaiian Islands. I am currently subjected to no less than 50 flights per day over my house, and frequently as many as 80, seven days a week. Some beginning as early as 6:30 a.m. and some as late as 7:00 p.m. This is completely unacceptable to me. Two months ago the tour flights were re-routed over my subdivision from other areas. However, people in those areas are still reporting excessive overflights of their homes.

1) Flotation devices should be required on all aircraft. Many of the tour companies have refused to purchase such devices because of the expense.

2) We need a system established by the FAA to monitor the abuses currently conducted by the tour companies and pilots. They are inconsiderate of the rights of others and blatantly disregard the concerns of citizens living in the flight paths. They continuously ignore altitude regulations, often flying as low as 50 ft. There needs to be a policy established whereby citizens affected by the practices of the tour aircraft are given the opportunity to participate in decision-making regarding tour routes and FAA regulations and controls. For example, pilots should not be able to arbitrarily decide to route most flights over one subdivision without the input and acceptance of such activity by the residents themselves.

3) There is currently no requirement for aircraft to check in or out of Hilo airport between the hours of 10 p.m. and 6 a.m. This needs to be changed. I have had low level flights at 2 a.m. It is my opinion and concern that this is a perfect opportunity for drug trafficking by ambitious pilots.



- 4) Not only do altitude regulations need to be established and enforced, but the frequency of flights needs to be addressed. There are routes that the pilots could take that would not fly over anyone's home, but they refused on the grounds that it would be more expensive to fly a little out of the way. However, it is expensive for me to have to consider moving and also take a loss in value of my property because it is now in the undesirable position of being located underneath a flight path.
- 5) FAA regulations need to extend to and include the tour aircraft that are currently leased out and operated during marijuana maintenance programs.
- 6) The recent re-routing over my subdivision (Hawaiian Acres) has also put the flight path directly over 1'o nesting ground and habitat. 1'o is the native Hawaiian hawk which is currently on the endangered species list. The noise from constant helicopter activity is most certainly affecting 1'o breeding practices and hunting. The constant noise is also disturbing for all other wildlife. The pilots say that this is a less populated area, but it is also wildlife habitat and needs to be preserved as such. Hawaii has already lost 2/3 of its wildlife habitat and 70 of its native bird species have become extinct. The preservation of wildlife habitat is not to be taken lightly.
- 7) In addition to reducing the number of tour overflights and redirecting flights away from residential areas and wildlife habitats, the FAA also needs to regulate the small tour planes, who also fly at low altitudes and are very noisy.

I hope that my concerns will be appropriately addressed and that my suggestions will be helpful. I live in a rural area because of the peace and tranquility that such a lifestyle offers. I do not wish to be subjected to the noise and unsafe conditions that I am currently exposed to.

sincerely,

Ms. Terri Scott



Mr. OBERSTAR. We greatly appreciate your presence here and your keen interest and long, persuasive efforts on this very important subject.

Senator McCain was the author of the legislation that the House passed in 1987, and has been very closely associated with the subject for many years during his service in the upper body here, and we appreciate his continuing interest in the other body.

Thank you for joining us, John.

### TESTIMONY OF HON. JOHN McCAIN, A UNITED STATES SENATOR FROM ARIZONA

Senator McCAIN. Thank you very much, Mr. Chairman.

First of all, I would like to associate myself with your remarks. I think you framed this issue in an extremely concise and accurate fashion. And as you know, this issue has been associated with a great deal of hyperbole and exaggeration. It is very difficult sometimes to get down to the fundamental facts. And I think you framed the debate here very well.

We will hear today from several panels, including conservation groups and representatives of the air tour industry, and they will discuss the myriad of issues involved in this effort. And I think, Mr. Chairman, it is good that we have these groups here because a healthy dialogue will contribute to the fundamental principle that will guide us to a successful resolution of this issue, and that is balance.

I want to say from the outset it has never been my intent or the intent of Congress that air tours should be banned over the Grand Canyon or any other park. Air tours are a legitimate and important means of experiencing the Grand Canyon and they are particularly important to the elderly and Americans with disabilities who may not be able to experience the park in any other way.

But other uses and values, including the right of visitors to enjoy the natural quiet of the park, must be protected. Again, the challenge and the goal is balance.

Mr. Chairman, a short look at the history of the 1987 Park Overflights Act, which I sponsored, may be helpful in the committee's deliberations. The Act stated that:

Noise associated with aircraft flights over Grand Canyon National Park is causing an adverse effect on the natural quiet and experience of the park, and current aircraft operations have raised serious concerns regarding public safety, including concerns regarding the safety of park users.

This legislation, as you know, Mr. Chairman, was the first Federal law dealing with the use of airspace over park areas. The law had two important goals: ensuring public safety and substantially restoring natural quiet to the Grand Canyon. To achieve these dual goals the Federal Aviation Administration, in cooperation with the National Park Service, issued a special flight regulation which effectively zoned the airspace above the canyon.

Again, I want to be clear. The intent of the act was not and is not to ban overflights. The goal has always been and remains today to find responsible balance between air tours and the rights of other park visitors to enjoy the natural quiet they want and deserve.

As you can imagine, Mr. Chairman, crafting legislation to pioneer management of aircraft over national parks to accomplish this goal was no easy task. In developing the bill, I personally participated in hundreds of hours of meetings and consultations with the various interests, poring over maps, hiking the canyon, flying over the canyon and listening to the concerns of the assorted user groups. The mission was not lightly undertaken.

As you might also imagine, Mr. Chairman, the air tour industry agreed to the effort with great reluctance. In fact, I was told in no uncertain terms that limitations of any kind would drive the industry to destruction.

Seven years later, as you noted, Mr. Chairman, the air tour industry is alive and well. The industry's dire predictions were as wrong as the arguments of some that anything short of a ban on overflights will be the end of the National Park system as we know it.

Malthusian rhetoric that has characterized some of the debate on both sides is unrealistic, unhealthy and unproductive. It does not serve the interests of the park, the air tour industry or responsible public debate. We should keep that in mind.

The fact of the matter is that the National Overflights Park Act has helped reduce park noise, enhanced safety and improved visitor experience without impacting a legitimate and important industry.

So we have made significant progress. However, the Park Service, which Congress entrusted to administer the Act along with the FAA, believes we have not yet met our statutory goals and there is more that can and should be done.

The Park Service reports that while "natural quiet" has been restored in some areas of the parks, some changes to the flight regulation might be necessary in order to reduce noise over certain campsites and back-country trails where acoustical tests have shown that a problem exists.

I understand that the Park Service believes such changes might entail realigning some of the corridors. But the agencies have yet to forward their recommendations to Congress. It would not be appropriate for me or anyone else to gainsay the Park Service and the FAA before we even know what the agencies will recommend.

The fact of the matter is public safety and the substantial restoration of quiet are required by the law and they must be obtained. Is the law perfect—no. Can we improve the situation to strike a better balance—most certainly. I remain confident, that with the benefit of public input and with the good faith and cooperation of the various interests, we can achieve the statute's goals in a manner that will continue to sustain a healthy and successful air tour industry. I might add part of the answer may be technological, Mr. Chairman.

Recently, the Senate adopted an amendment which I offered to the airport improvement bill to enhance research and development of safe and affordable quiet aircraft technology. The production and use of such technology would significantly benefit our parks as well as the air tour industry.

I know that the issue of park air tours extends beyond the boundaries of the Grand Canyon. Some are concerned about the possibility of applying the National Park Overflights Act to other

national parks. Grand Canyon, Hawaii's volcanic parks were singled out as models in the 1987 legislation because of the enormous level of air traffic over these popular areas.

I believe it is perfectly legitimate to apply the Grand Canyon model to other parks where the problems and circumstances are similar. Natural quiet is an important value, not only at the Grand Canyon, but all national parks throughout the system.

As the committee is aware, the Department of Interior has issued an advanced notice of proposed rulemaking which sets forth a number of alternatives for dealing with park overflight issues affecting the park units system wide. I hope that all interested parties have taken the time to comment on the proposed rules, so that the Department and Congress can gauge public sentiment on air tour and park noise management issues accurately.

Mr. Chairman, our Nation's parks, and especially the Grand Canyon, are imperative to our rich natural heritage. There are as many ways of enjoying these resources as there are people who visit. We have an obligation to balance and reconcile these myriad of uses in a manner that is fair and respectful to all and which will protect the park environment for the enjoyment of this and future generations.

Reconciling the legitimate interests of air tourists and the air tour industry and the right of park visitors for natural peace and quiet is one of the more delicate balancing acts we are to achieve if we are to meet our stewardship responsibilities to our national parks and the visiting public. Extremism, hyperbole and myopia do nothing to further the effort. We must do what is right for the park and the people who seek the inspiration and solace of its environment.

Thank you, Mr. Chairman. I want to thank my colleagues from Nevada, Hawaii, and also Congressman Hansen from Utah. And of course my friend from Montana, for all of their deep and abiding interest in this issue.

Mr. Chairman, I want to thank you again for having this hearing. I believe it is an important issue, one that deserves a thorough ventilation.

Thank you, Mr. Chairman.

Mr. OBERSTAR. Thank you very much for your balanced and thoughtful statement and for your leadership in this matter.

Congresswoman Vucanovich.

**TESTIMONY OF HON. BARBARA F. VUCANOVICH, A  
REPRESENTATIVE IN CONGRESS FROM NEVADA**

Mrs. VUCANOVICH. Thank you very much, Mr. Chairman. I appreciate the opportunity to appear before you. And Mr. Hansen was mentioned, and I would ask unanimous consent to include his remarks.

[Mr. Hansen's prepared statement follows:]

**STATEMENT OF  
THE HONORABLE JAMES V. HANSEN  
BEFORE THE AVIATION SUBCOMMITTEE  
ON NATIONAL PARK OVERFLIGHTS  
JULY 27, 1994**

Mr. Chairman, thank you for accepting my testimony before this Committee. While your Committee and the National Parks, Forests and Public Lands Subcommittee, on which I serve as Vice Chairman, share jurisdiction on several of these national park overflight bills, it is clear to me that this Subcommittee is the lead Committee. I would strongly hope that if Congress takes action on any of these measures, we do nothing to undermine the jurisdiction of the FAA with regard to airspace management. To do so would immediately put many lives at risk.

Congress has been considering the issue of aircraft overflights of public lands for some time and it is clear there is no "silver bullet" answer to resolve the issue. Despite this

past history of deliberation, there may remain more questions than answers. Even the position of all the major constituencies is unknown. The aircraft industry has accepted some limitations at Grand Canyon and other parks, and the industry is willing to work to solve other real problems. The environmentalists, as represented by the National Park Conservation Association, seek "total elimination of aircraft from national parks". Perhaps they'll be able to clarify if that includes the space shuttle and satellites when they testify later. But, the position of the Administration is more difficult to understand.

For example, consider the following:

1. The National Park Service is now 4 years overdue in completing their 3-year Congressionally-mandated study

of aircraft overflight impacts. The National Park Service assigned this study to a single, part-time GS-13.

2. Secretary Babbitt now opposes military overflights of Federal wildlife refuges in Arizona, which he agreed to as governor of the state. This policy is also reflected in his recent law suit settlements regarding nine wildlife refuges.
3. The Administration, as represented by Secretary Babbitt, is fully supportive of unlimited low level military overflights above both national parks and wilderness areas in the California Desert. According to the Department of Defense, existing military overflights of those proposed parks and wilderness areas include the

following: F-14's, F-15's, F-16's, and F-18's; B 52, B1 and B2 Bombers; C-130 and C-17 cargo aircraft, helicopters and a wide variety of weapon systems, including both Tomahawk and Cruise missiles.

In the same way, the magnitude of any impact on public lands from overflights is not fully understood. For example, the Forest Service has already reported to Congress that there are no significant adverse impacts of overflights in wilderness areas they manage. Last spring, our Committee held a hearing on H.R. 1696, the Hawaii Overflight Act at which the National Park Service testified "The auditory and visual intrusion of aircraft overflying national parks in Hawaii generates more public complaints than any other issue in these parks." Mr. Chairman, despite reported requests, the



National Park Service has been unable to provide me with any documentation substantiating the number of visitor complaints at parks in Hawaii.

On the other hand, there are some things we do know about this issue. First, we know that aircraft overflights are not known to cause any significant impacts on wildlife. That was substantiated in a letter to me from the National Park Service which reads in part:

"no peer-reviewed studies have yet been designed or funded that could prove or disprove population level impacts"(on wildlife).

Second, we know that aircraft can often have a reduced noise impact if they fly lower. This is because the area on

the ground where the aircraft is heard is smaller, the duration the aircraft heard is shorter and the aircraft can take advantage of sound-masking based on topography. Finally, we know that the aircraft issue is basically a user conflict, not an environmental impact on the parks. In that sense, it is not greatly different from any user conflicts managed by the National Park Service on a daily basis.

As far as what happens next, we obviously need the National Park Service to finish its long overdue study. In that regard, the Advance Notice of Proposed Rulemaking issued jointly by the Department of the Interior and FAA was ridiculously premature. Second, we need a thorough peer review of the National Park Service study to ensure it is objective. Third, we need to make sure that air touring is

continued as a viable means for millions of visitors to enjoy their national parks annually. Fourth, we need to develop solutions to any problems on a park-by-park basis, not through a one-size-fits-all Act of Congress. And fifth, we need to ensure that the FAA continues to manage airspace, in order to protect the safety of the flying public.

I look forward to working with Members of this Committee on continuing to address this issue. Thank you Mr. Chairman.

Mr. OBERSTAR. Regrettably, we have a 10:00 committee meeting—we all do. We are pulled in different directions.

Mrs. VUCANOVICH. Right. I am going to try to be brief, Mr. Chairman, but I mainly want to acknowledge Mr. Bob Broadbent, the Director of our McCarran International Airport in Las Vegas.

As you know, it is one of the fastest growing airports in the country and under his stewardship, one of the premiere facilities in the Nation. I would also like to acknowledge Mr. John Sullivan, President of the Grand Canyon Air Tour Council. No issue could be more important to the members of the Air Tour Council and his input throughout this discussion has been extremely important.

Mr. Chairman, Las Vegas is one of the fastest growing communities in the Nation and, without doubt, one of the favorite destinations of the traveling public. Tourism is vital to Nevada's economy, and we are proud to welcome the millions from all over the globe who visit annually.

And yes, Mr. Chairman, since you are also Chairman of the Congressional Travel and Tourism Caucus, I know I am preaching to the choir. But I do think it is significant to this discussion to point out how important air tours are to the tourism industry of Las Vegas.

Further restrictions on overflights of our parks, and in this case, the Grand Canyon, would be devastating. And I know you are going to hear a lot of statistics today, but the one I think that is most vital is the southern Nevada-based tour air operators will carry over 650,000 visitors over the Grand Canyon this year alone. And it is without a doubt the easiest, most convenient way to see the canyon.

Interestingly, foreign visitors make up a majority of this figure, and who can deny that if one has a limited time to vacation, flying to the canyon from Las Vegas is the best way to maximize that time.

And let us not forget one other aspect that I think is of extreme importance, Mr. Chairman. Senator McCain mentioned that not everyone is capable of hiking the trails of the canyon and rafting the Colorado River or riding a mule to the canyon floor. For many, like the handicapped, infirm or the aged, the only possible way to see this grand beauty of nature is from an airplane.

Should we deny them the ability to experience our Nation's natural resources? I think not, and I surmise no one in this room would either.

Mr. Chairman, as you are well aware, when restrictions were placed on flights over the Grand Canyon, not everyone was pleased. Senator McCain mentioned this. But over time the air tour industry and tourists have adjusted and the arrangement appears to be working quite well.

What concerns me now is the drumbeat of new attempts to stop flights altogether. It is no secret that there is an element out there that would be quite pleased if this were to occur. But to do so would be extremely harmful to the economy of southern Nevada and millions who want to see the Grand Canyon each year.

I agree with Senator McCain, the watchword in this discussion needs to be balance, balance in the needs of the public and balance in managing our natural resources.

I believe we have reached that balance. We have gone far enough. We must continue to manage our parks and the airspace over them for the benefit of all and not the few, and we must continue to do so in the future.

So again, Mr. Chairman, I want to thank you for holding this hearing and to allow the committee to also hear our views, and I appreciate the opportunity to express my views and to represent the people in Nevada who feel strongly about this issue.

Thank you, Mr. Chairman.

Mr. OBERSTAR. Thank you very, very much.

It came as quite a surprise to me in preparing for this hearing to see how much tourism emanates from Nevada in the Grand Canyon area. It is obviously of interest.

Senator Bryan, you are next in line. We appreciate your participation here today. Thank you for coming and joining us.

**TESTIMONY OF HON. RICHARD H. BRYAN, A UNITED STATES  
SENATOR FROM NEVADA**

Senator BRYAN. Thank you very much, Mr. Chairman.

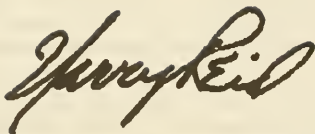
Let me express my appreciation to you for convening this important hearing, and to ask my senior colleague—Senator Reid was called away to another meeting, and I would ask unanimous consent that his testimony be made a part of the record as well as Nevada's Governor, Governor Miller.

Mr. OBERSTAR. Without objection, so ordered.

We regret his departure. He was a former colleague as well.

Senator BRYAN. Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Reid follows:]



## TESTIMONY OF

SENATOR HARRY REID (D-NV)

BEFORE THE HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION  
AVIATION SUBCOMMITTEE

REGARDING

LEGISLATION AND REGULATIONS AFFECTING  
SCENIC OVERFLIGHTS ABOVE NATIONAL PARKS

JULY 27, 1994

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Mr. Chairman, and members of the Subcommittee, I appreciate the opportunity to offer my testimony for your consideration. The issue before you is an important one, and is very deserving of this hearing. My testimony will refer to overflights as they relate to the Grand Canyon National Park.

The Grand Canyon National Park is celebrating its 75th anniversary this year. While this is a historic occasion for many of us, it is only a drop in the bucket when one considers the vast amount of time it took for nature to create this natural wonder of the world. It is incumbent upon us to protect and preserve the magnificence of the Grand Canyon from environmental degradation for those who want to enjoy it now and for generations to come.

I am here to urge this Subcommittee to carefully consider the issue of overflights of the Grand Canyon. Approximately 17 percent of total park visitors last year experienced the Grand Canyon by air. According to the air tour operators, about 60 percent of those visitors were from another country who would not have the time to visit the Canyon were it not for air tours. In addition, many of those that visit the Canyon by air are elderly, the very young, or physically challenged in a way that would not allow them to otherwise see the magnificence of the Grand Canyon. In short, there are significant economic and access issues that must be considered in this debate.

The issue of sound is an important one when considering the quality of a visit to the Canyon. In fact, in 1987 this issue, along with the safety issue of overflights, was addressed by the Congress. Regulations resulted that have limited air tour routes to specific corridors. The result being a safer, quieter Grand Canyon. It is my understanding that prior to enactment of this legislation there were 100 written complaints per million visitors. Today there are 8 complaints per million visitors.

The problem is that some will not be satisfied until air tours are totally banned. It is interesting to note that in a

Senator Reid - Page 2

survey conducted of park visitors by the National Park Service, 92 percent of respondents reported no impact from overflights. Yet, the argument is being made that noise in the Grand Canyon due to aircraft overflights is wreaking havoc on the enjoyment of the park by its visitors.

I would add that some current flight corridors might need some modification. The President of the Grand Canyon Air Tourism Association has stated that some route modification may be appropriate. Most in the air tour industry are supportive of addressing this issue. However, this is not a license to onerous regulatory or legislative fixes. Rather, it is a suggestion to resolve a problem with current regulations.

The air tour industry provides access to the Canyon that does not add to the traffic congestion in the park. The tours leave nothing behind to be cleaned up. What the tours do provide is safe access to the park, sometimes to visitors that would otherwise be unable to experience the views it provides. The tours accomplish this with only minimal environmental impact. Certainly less than the results of other types of visitation.

I urge this Subcommittee to avoid action that would result in a negative impact to the air tour industry in particular, and the related tourism industry in general.

Senator BRYAN. The issues being discussed today are of particular importance in Nevada. The Grand Canyon air tour industry provides more than 1,200 jobs, most of which are in Nevada and Arizona, and adds \$250 million into the economy each year.

In addition, the Grand Canyon air tour industry is an important factor in the multitude of attractions which makes Las Vegas one of the most desirable destinations in the world.

As you and others have pointed out, Mr. Chairman, in 1987 Congress enacted legislation designed to increase control over airspace over the Grand Canyon and to "substantially restore natural quiet." While there still may be some work to be done, the goals of this legislation have been accomplished essentially.

In 1987, air tour operators have been limited to 14 percent of the park. Safety has been improved. The noise level has been sharply reduced. Complaints related to aircraft noise have dropped by 92 percent to a level of eight complaints per million visitors. That is eight-ten thousands of one percent, eight complains for 1 million visitors. The National Park survey shows that the great majority of visitors to the park, both front country and back country, report no impact on their enjoyment of the park by overflights.

Park Service statistics show a compliance rate of 98 percent for overflight operators, a clear sign that the air tour industry is complying with both the letter and the spirit of the 1987 law. Air tours do have limited noise impact on the park. Aircraft make noise, and in spite of ongoing research into quiet aircraft technology, there will always be some impact.

But under the tightly controlled airspace that today's air tour operators must operate in, most of these impacts have essentially been minimized. The benefits to the commercial air tour industry, however, far outweigh its minimum impact. Eight-hundred-thousand people a year are able to view the spectacular scenery of the park through air tours. That is a full 17 percent of all visitors to the park.

As has been pointed out, many of these visitors are unable because of age or physical disabilities to enjoy all of the areas of the park by ground. And eliminating park overflights, as some have suggested, or even severely limiting those flights would effectively bar these individuals from enjoying one of the natural wonders of the great Southwest.

Mr. Chairman, the issues facing us are not unique to the Grand Canyon. As has been pointed out by Senator McCain and others, essentially what we strive to achieve is a balance between a number of competing interests.

We all want to preserve the ability of back country hikers to enjoy the solitude of a pure wilderness experience. But we also need to keep our parks open to individuals who do not for whatever reason either have the ability or the desire to participate in that type of experience.

And air tours need to be considered as part of the solution and not part of the problem. The legislation that was enacted in 1987 is working.

Further improvements may be warranted. Refinements may need to be taken. But these changes need to recognize the important benefits offered by the air tour industry.



Mr. Chairman, there is one final issue that I would like to address which was likely addressed earlier, and that is the jurisdictional question. While the Park Service and the Department of the Interior clearly have a legitimate role in the overflight issue, primary responsibility for any regulation of air tours must remain within the jurisdiction of the Department of Transportation and the Federal Aviation Administration.

The likely priorities of the Park Service are certainly important, but there can be no greater priority in the regulation of overflights and the safety of the passengers which cannot be guaranteed unless the regulation of the industry remains with the FAA.

Mr. Chairman, once again let me express my appreciation to you for the opportunity to testify.

Mr. OBERSTAR. I appreciate your very thoughtful comments and your participation in our hearing this morning. We welcome your continued interest and support on these issues.

Senator BRYAN. Thank you, Mr. Chairman. I appreciate your leadership as well.

Mr. OBERSTAR. Senator Akaka, a former colleague. You are next in arrival. We welcome you back to the House. Thank you for coming again to join us as you have done on so many occasions where the interests of your State are at stake.

#### **TESTIMONY OF HON. DANIEL K. AKAKA, A UNITED STATES SENATOR FROM HAWAII**

Senator AKAKA. Thank you very much, Chairman Oberstar, for your courtesy. And I appreciate this opportunity to testify before you and your committee on the subject of scenic overflights of national parks.

Before I begin my statement, I would like to say aloha and mahalo to the special witnesses from Hawaii, Mr. Chairman. Denise Antolini, will you just rise for a second? I'd also like to recognize Bob DeCamp, Dan Taylor, Barry Stokes, Charles Maxwell, and Ed Clark, and Elling Halvorson, who, although not a resident of Hawaii, is a familiar figure in the islands. I wish to acknowledge his presence as well. Thank you very much.

Each of them has been very helpful to me in forming my own views on this issue, and I appreciate their traveling such a long way to share their thoughts with Congress on this subject.

Mr. Chairman, aircraft activity over noise-sensitive areas such as national parks has increased in scope and intensity in the last few years, sparking debate about the safety and environmental impacts of overflights. In my own State of Hawaii, recent news reports indicate that the commercial air tour industry, which is centered around tours of Haleakala and Volcanoes National Parks, is projecting record numbers of customers and revenues this year—a staggering 700,000 passengers and \$100 million, respectively.

Clearly, air tourism is a major economic factor in Hawaii, and if the numbers are accurate, the Aloha State may well have the highest level of commercial air tour activity in the Nation, exceeding even that of Grand Canyon National Park.

Unfortunately, complaints concerning safety and noise have risen along with the growth of the air tour industry. Numerous hearings have been held by FAA, the Park Service, the State and community

groups on the overflights issue in Hawaii, all of which have been characterized by sharp differences of opinion between air tour supporters and anti-noise proponents.

The safety issue has taken center stage in the Aloha State recently, with a tour helicopter having crashed on the same day, July 14, this month. Tragically, the crash off the Island of Kauai claimed three lives, including the pilot and two passengers. According to an article in the Honolulu Star Bulletin, these three deaths raise the fatality count from tour aircraft crashes in Hawaii to 23 since 1992.

The FAA itself has documented 11 accidents in Hawaii in the past six months which have resulted in serious injuries or fatalities.

Alarmed by these statistics, the FAA advised my office late last week of its intention to initiate a comprehensive review of operations and maintenance practices of the Hawaiian air tour industry, issue an emergency rulemaking to require that all air tour operators conduct operations under FAR Part 135, and establish minimal altitude, weather and site stand-off distances to address safety and noise considerations of the community.

Given the number of accidents in the last several years, and particularly the number of fatalities, I welcome the FAA's action plan. Any mode of transportation has inherent risks, but we need to be absolutely certain that commercial air tour operations in Hawaii are as safe as they can possibly be.

Aside from safety, Mr. Chairman, it is also time to act on the noise issue. A number of my colleagues, including Congresswoman Patsy Mink, Congressman Pat Williams, and Senator John McCain, have authored separate pieces of legislation that address different aspects of the park overflights problem.

Their leadership on this issue is a major reason why the current administration, in sharp contrast to previous administrations, has made a good-faith effort to address the noise and environmental impacts of commercial air tour overflights through existing regulatory authorities and mechanisms.

The interagency working group established last December by Secretary Babbitt and Secretary Pena has demonstrated that some measure of cooperation between FAA and the Park Service can be achieved in addressing this issue.

Nevertheless, while I appreciate the administration's sincere efforts to confront the overflights issue on its own, I really believe that only legislation can produce lasting, effective policy on this matter.

The simple truth is, the FAA and the Park Service, the two agencies with the greatest responsibility in this area, are governed by vastly different statutory mandates. On the one hand, the FAA is responsible for the safety and efficiency of air flights; on the other, the Park Service is charged with protecting and preserving park resources. At this point, regarding regulation of noise sensitive areas, their interests are mutually incompatible.

Mr. Chairman, incompatibility between FAA and Park Service missions is the single most important reason why an effective long-term park overflights policy cannot be developed by the administration absent statutory guidance from Congress.

It also explains why there is such a sharp division on this issue in the community as well, since both proponents and opponents of overflights can call upon their agency of choice to support their positions.

For this reason, Mr. Chairman, I intend to introduce legislation that would establish a new statutory framework designating the respective responsibilities of the FAA and Park Service in mitigating the environmental and safety impacts of air tour activity on national parks.

Specifically, my bill requires cooperation between the Park Service and the FAA, providing for joint administration in some areas while clearly delineating the Park Service's lead role in defining the resources to be protected, and the FAA's primacy on matters related to safety and air efficiency.

My bill is designed to ensure that commercial air tour overflights are conducted in a manner which is consistent with the need to protect park values and resources, including, "natural quiet".

It also provides for extensive public involvement. And it encourages dialogue among the many interested parties and affords the regulatory agencies the flexibility necessary to deal with local circumstances and inherent differences between park units.

Finally, my legislation requires the development of individual Park Aircraft Management Plans in park areas affected by commercial air tour activity, and once the plans have been approved, calls for good-faith negotiations between commercial air tour operators and the Park Service to reach agreement on air tour operations.

The bill also establishes a three-tiered compliance mechanism in the event that agreement cannot be reached or the impacts of agreed-upon overflights are greater than anticipated.

Thank you, Mr. Chairman. Thank you for holding this hearing and for giving me a chance to share my thoughts on this important matter. I hope that my proposed legislation as well as the measures offered by Congresswoman Mink, Congressman Williams, Senator McCain and others will receive serious consideration in both Houses of Congress.

In concluding, Mr. Chairman, let me again commend you for holding this timely hearing. I hope the opinions offered today will spark a constructive discussion of the issues surrounding park overflights and lead to the development of an effective national park overflights policy. I believe there is plenty of room to accommodate the needs of all park users, including air tour operators, at our national parks.

However, in the last analysis, we must be assured that there remain at least a few places in this great land of ours where we are able to renew our spirits and take refuge from the machinery of civilization.

Thank you very much, Mr. Chairman.

Mr. OBERSTAR. You said it very well. The last comments of yours are right on target. I greatly appreciate the thought, time and effort you have given, Senator. We look forward to the introduction of your bill, if you will share a copy of it with us. We will see your ideas on how the future of this issue should be managed. Thank you.

Congressman Williams, thank you for being with us this morning. Along with Patsy Mink, you have been vigorous advocates for conclusive action by the two agencies involved, and you prompted my interest in moving this issue to the format of a hearing. It is all your fault.

**TESTIMONY OF HON. PAT WILLIAMS, A REPRESENTATIVE IN CONGRESS FROM MONTANA**

Mr. WILLIAMS. Well, I accept the blame. I am grateful to you for calling this hearing, for myself and my colleagues. We are appreciative of your and Mr. Clinger's leadership on this issue, and your generosity in having this hearing today.

The dilemma, of course, is how do we appropriately protect the right of folks to take a flight over a national park while at the same time maintaining for those visitors on the ground the very real and even overwhelming sense of space and wilderness that our national parks hold within them.

Take any day. Five-thousand visitors in Glacier national Park in what Charles Kuralt calls America's nicest corner. Glacier is located in northwestern Montana. Take a day when there are 5,000 visitors in that park, and a person can hike, as I have many times, a couple of hours. You leave going to the Sun Highway and cross a ridge at Siyeh Pass. You have wonderful alpine views but you are also aware quite often, if you want to be, of being alone, entirely alone.

That is an experience of awe and solitude that is truly remarkable. The unrestricted, uncontrolled use of national parks for scenic overflights directly threatens that experience, and it really boils down to a matter that is as simple as that.

My involvement in this issue began in 1987 when we passed legislation directing the Park Service to conduct a study of the effects of overflights on our national parks. In directing that study, we had hoped that the old jurisdictional rivalry, the mistrust, what I believe to be the antagonism between the Park Service and the Federal Aviation Administration would be set aside in favor of a policy of doing what is right for both the parks and America's critical aviation industry.

Since then, and in fact up until just about the beginning of this year, exactly the opposite happened. Efforts to address overflight problems at national parks have been unsuccessful, and I think unsuccessful, Mr. Chairman, because of the continued stonewalling in the recent past up until the beginning of this year, primarily stonewalling by the FAA.

Out of frustration that the process that we are asked to be completed in three years was four years overdue, we had a hearing last fall in the Subcommittee on National Parks, of which I am a Member, and as you know, our friend Congressman Vento is Chairman.

Shortly after that hearing, the Departments of Transportation and Interior began a process which we believe will probably result in an appropriate management scheme for national park airspace. At a minimum, I hope the two departments will find a way to develop dual responsibility between the FAA and the Park Service in deciding how best to manage park overflights.

If that effort is unsuccessful, then I think we ought to stand ready to seek action on any bill. I like my bill, which would require that scenic tourism overflights conducted over units of the national park system simply hold a concession permit with the Park Service.

Let me make two points about my bill, Mr. Chairman. First, the intent of my bill is to protect the FAA's appropriate authority regarding the management of our domestic airspace and to include the Park Service in the decision-making process.

My bill does not affect, does not affect general aviation. It doesn't affect commercial airliners. It doesn't affect private charters. It only requires that the commercial scenic tourism companies flying over national parks hold a concession permit with the Park Service. And it would allow the Park Service and the FAA to set the terms, in effect, of those permits.

Now, there is a critically important matter here, and I want to point it out for the committee's attention, although I think you are fully aware of it, frankly.

Every commercial user, bar none, of the national parks is required to hold a concession permit with the Park Service. Every single commercial user within the national parks has to have a permit, except one user: people in the scenic tour national park overflight business. They are exempt.

Second, I want to make this point. I wanted to provide discretion to the FAA and the Park Service to deal with each national park separately. I mentioned one of the parks in Montana, Glacier. Let me refer to it again. Some of the most strident opponents, both within and outside the Park Service at Glacier, the most strident opponents of overflights tell me they have no concern with the higher altitude fixed-wing tour operators flying over the park. They have no particular concern with private pilots. Their concern is focused on tour helicopters that fly low and can pass in and out of Glacier's mountain valleys.

So under my bill the resource professionals of the Park Service would work with the FAA and the public to design the most appropriate medium for the conduct of scenic commercial overflights at each park. And the parks are different. What will work in one will not necessarily work in the other.

Glacier, for example, is a wilderness park. You go there for solitude and the pop, pop, pop of helicopters is, in my judgment, inappropriate.

Over Yellowstone it is a different matter. And so the Park Service should deal with this separately.

I really look forward to continuing to work with this committee to find an appropriate resolution of the problem. You know, there is nothing quite like the deep, blue, empty, quiet of the big sky over Glacier viewed from a field of wild flowers atop Siyeh Pass. And we just—we being Americans—just kind of like to keep it this way.

Let me conclude, Mr. Chairman, by telling you a story. A summer ago our colleague Karen Shepherd and the head of the Park Service, Roger Kennedy and I were on a walk in Glacier. We were going up to a wonderful spot called Avalanche Lake. A very impertune thing happened. I was explaining to Director Kennedy and Congresswoman Shepherd from Utah about the overflight problem.

It was a nice day, blue sky. We saw a grizzly bear dash above us, not a common site for occasional walkers in Yellowstone. And as I was explaining to them how the pop, pop, pop of helicopter blades flying low over the area were disruptive. I found in a few moments that I had to shout, because there it was, the pop, pop, pop of helicopter blades flying overhead.

Mr. Kennedy and Mrs. Shepherd instantly agreed. Not everyone on this committee needs that experience to instantly agree. I think you ought to instantly agree just from where you sit. But nonetheless, Mr. Chairman and Mr. Clinger, I want to invite you to come out, hopefully we won't have that experience, but we will have a good time out West in America's nicest little corner of Glacier.

I hope you will give us a hand with either my legislation or other legislation. I hope will you keep, as I know you want to do, FAA in the mix, treat the National Park Services individually, because tourists have different expectations of each, ensure that FAA and the Parks Service will continue what is now a new and good cooperative attitude, probably in part because of your oversight, Mr. Chairman, and yours, Mr. Clinger, and let's see if we can't resolve what is a serious problem, help the parks and do it in a way that protects general aviation, because they are not the problem.

Thanks a lot, Jim. I appreciate being with you.

Mr. OBERSTAR. Thank you very much for that very thoughtful discussion of the subject and for your own personal experience. I think any of us who visited the wilderness areas for solitude can appreciate the tale you told. You are certainly welcome to sit with us as the testimony unfolds during the day.

Congressman Collin Peterson, my colleague from northern Minnesota, represents not canyons—we don't have canyons in Minnesota, we don't have mountain peaks, but we have magnificent glacial formed lakes, expanses of beauty in our part of the country. We welcome your presence here today.

#### **TESTIMONY OF HON. COLLIN C. PETERSON, A REPRESENTATIVE IN CONGRESS FROM MINNESOTA**

Mr. PETERSON. Thank you, Mr. Chairman. I appreciate the opportunity to express my views and some concerns that I have and my subcommittee have.

I chair the Government Operations Employment Housing and Aviation Subcommittee, and my subcommittee and staff have some interest in this issue. Also, I am a private pilot, and I hope that we can believe that none of this legislation is going to involve private pilots at any point.

I have had the opportunity to fly my airplane over Yellowstone, and it is a wonderful way to see the park. But we have concerns about any legislation or rulemaking that would delegate any FAA authority over regulating civilian airspace, which I believe has been granted, I guess almost exclusively to the FAA.

I believe that only the FAA has the capability to make informed judgment about flight rules and therefore this capability should not be delegated to another agency. I understand that aviation and environmentalists are engaged in a spirited debate on this and other matters, and I also understand the need for interagency cooperation. But I really question the judgment of the FAA if they hand

over any of their jurisdiction to another agency. If that occurs, I would have my subcommittee examine the matter.

There are many valid questions about both Interior's and others' claims of visitors' complaints of environmental damage. But I am not going to really get into that. My main concern, as I said, is what might be happening with FAA's authority. And if FAA does move in that direction, I think we [my subcommittee] are going to weigh in on this and take a look at it as well.

In closing, I would just like to give one illustration of the danger I think we might face if the FAA does surrender some of its authority.

Recently, the U.S. Forest Service prevented a helicopter search team from landing in the wilderness to rescue a 14-year-old Eagle Scout stranded there for two days. They apparently judged their ban on the operation of motorized vehicles was more important than rescuing this young man who was forced to spend a third night alone in near freezing temperatures because of these rulings.

If this is the sort of judgment that the Interior Department or other departments are going to use, I think that it calls into question what type of role they should have in determining flight rules.

On the issue of regulating sightseeing flights, Chairman Oberstar is known for tackling tough issues and resolving them fairly, and we expect that he will do that again with this. Let me just point out that these operators are taxpaying, job-creating businesses, and I hope their contribution to their local economies and public access to lands set aside for public use and enjoyment will be fairly considered.

Finally, as long as we have a lot of aviation types in the room, I want to remind everybody that we are having a hearing on August 9th to look into how FAA interfaces with some of the new technology and air traffic control issues. I invite everybody to come to that hearing.

So I appreciate the opportunity to be with you today. I hope that you are able to work through this thorny thicket to not restrict private pilots and to keep the FAA in charge of our airspace.

Thank you, Mr. Chairman.

Mr. OBERSTAR. Thank you very much, Collin. We appreciate your concerns and your interest and your contribution as a pilot, and one who has had a great deal of experience in this kind of balanced airspace.

Later on the National Parks Service and—in fact, our next panel—and the FAA will testify about their shared responsibilities and the efforts they are undertaking to balance the equities and the responsibilities. NPS clearly has responsibility to preserve the land and prevent derogation of the soil, water, the environment on the ground. The FAA has responsibility over the airspace.

One needs to be managed in a way that is compatible with use on the ground. How to do that, the two departments are working more vigorously and more closely together than they have in the time since that legislation was passed several years ago. We hope as a result of this hearing they will be spurred on to greater efforts. We will see that they are.

Does the gentleman from Pennsylvania have any questions?

Thank you very much for being with us, Pat and Collin. You are certainly welcome to stay and participate in the balance of the hearing.

Our next panel includes Mr. Barry Valentine, Assistant Administrator for Policy, Planning and International Aviation, FAA. Mr. John Reynolds, Deputy Director, National Park Service. Boyd Evison, Superintendent, Grand Canyon National Park. Pete Peterson, Assistant Superintendent, Glacier National Park. And Mr. Dan Taylor, Resource Manager, Hawaii Volcanoes National Park.

Please join us. Don't be bashful.

Gentlemen, you are working together to resolve some very complex issues of not just management, operation, day-to-day functioning, but of fundamental values, how parks are operated, for whom and for what purpose, balancing the economics against enjoyment of jobs, against recreation. And we are looking forward to hearing you—although I read it already, I am sure all of our other witnesses want to hear what you have to say as well.

Mr. Valentine, we will start with you.

**TESTIMONY OF BARRY A. VALENTINE, ASSISTANT ADMINISTRATOR FOR POLICY, PLANNING AND INTERNATIONAL AVIATION, FEDERAL AVIATION ADMINISTRATION; BOYD EVISON, SUPERINTENDENT, GRAND CANYON NATIONAL PARK; DAN TAYLOR, RESOURCE MANAGER, HAWAII VOLCANOES NATIONAL PARK; JOHN REYNOLDS, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY WES HENRY AND BARBARA WEST, SPECIAL ASSISTANT TO THE ASSISTANT SECRETARY FOR FISH, WILDLIFE AND PARKS; AND PETE PETERSON, ASSISTANT SUPERINTENDENT, GLACIER NATIONAL PARK**

Mr. VALENTINE. Thank you, Mr. Chairman.

Mr. OBERSTAR. Your statements will be included in full in the record. You may summarize. We encourage you to summarize.

Mr. VALENTINE. I will do my best, Mr. Chairman.

Mr. Chairman and members of the subcommittee, I am pleased to have the opportunity to appear before you today to discuss the FAA's actions to reduce the impact of aircraft overflights, including those of commercial air tour operators on our national parks.

As you know, this is an issue Secretary Peña cares deeply about. That is why he and Interior Secretary Babbitt have established an interagency working group whose mission is to work cooperatively to seek possible solutions to the problem. And I can assure you that we will settle upon appropriate solutions and act to adopt them.

For too long our respective agencies spent energy debating these issues instead of using that energy to seek creative solutions. That is the spirit in which the working group was created, and that is what reinventing government is all about.

Before discussing the steps we are taking to address the overflight issue, let me take a moment to briefly describe the air tour industry in the United States. The air tour operators have been providing park visitors with aerial tours since 1926. Today, approximately 127 operators conduct tours over 25 of our most popular national parks. Another 60 air tour companies operate around the remainder of the country.



During the past 10 years, the industry has experienced significant growth. Since 1985, the number of air tour operations conducted over the Grand Canyon has more than doubled. Other popular parks such as Hawaii Volcanoes National Park and Glacier National Park have experienced a similar increase in air tour activity.

The largest of these operators has approximately 30 aircraft that can seat up to 20 passengers. Most are smaller, however, with some operating just one aircraft. In addition to operators whose sole business is air tours, the industry includes fixed-base operators and flight schools that offer sightseeing tours in their local communities.

The air tour industry is an important element of the economy in many areas of the United States, infusing hundreds of millions of dollars in the communities. Last year, for example, Grand Canyon air tour operators alone generated well in excess of \$100 million in revenues and employed approximately 1,200 people.

Despite its obvious positive economic benefit, the growth of the air tour industry has also caused legitimate concerns about the impact of overflights on park resources and management. That is where our challenge lies, to recognize the interest of the industry and its clientele while fulfilling a statutory responsibility to protect and preserve our Nation's parks.

That is the mission of the working group established by Secretaries Peña and Babbitt. The working group consists of representatives from the Departments of Interior and Transportation and the National Park Service and the FAA.

Secretaries Peña and Babbitt have clearly stated their interest in achieving appropriate results, and as a Member of that working group I can assure you we intend to produce those results. Together, the FAA and NPS will lay a foundation that will ensure a safe environment for air tour service, enhance the experience of park visitors, and protect the safety of the park environment.

The advanced notice of proposed rulemaking was the first action. I believe it is the first time our agencies have issued such a joint announcement. We have requested public comment on a range of options that could be employed to reduce the impact of overflights on the park system. By permitting all interested parties to comment on possible FAA actions at this early stage, we can better understand everyone's concerns and can create a framework that considers and balances everyone's needs.

And, if I may, I would really like to emphasize that we have chosen this approach because we are seeking public participation. All parties had and will continue to have an opportunity to shape our policy at every stage in the process.

In the interest of not proceeding with the entire text of this speech, Mr. Chairman, I will just indicate in the ANPRM we have listed a number of suggested policies and strategies that could be employed to address this problem without prejudging any of those in particular, and those would include rearranging airspace, altitude restrictions, aircraft noise equivalencies, a number of measures, all of which you are familiar with, to achieve this.

We are currently reviewing the comments we have received. We received over 2,000 comments, incidentally, for the Grand Canyon National Park, and we expect to have specific recommendations

from the NPS by October, and we will at that time determine whether the amendment to the existing FAR is warranted.

We will issue a Special Federal Aviation Regulation in August that will increase the safety of air tour operations in the State of Hawaii. We have requested that all air tour operators in Hawaii immediately conduct a stand-down safety review of their operational or maintenance practices with a summary of this voluntary review to be provided by the FAA by August 15, and further we recently began an in-depth inspection of maintenance practices of the Hawaii air tour operators, with particular focus on those who had any accident or serious incident history in the past three years.

As you know, the NPS is currently preparing a report to Congress required by Public Law 100-91 that is a necessary tool for us to determine the actual impacts of noise on park resources and visitors. This will be based on a series of studies the NPS conducted to assess the impacts on park resources or park visitors in Grand Canyon, Haleakala, and Hawaii Volcanoes National Parks.

The FAA and NPS can use the results of these studies together with data from ongoing joint studies by the two agencies to develop additional criteria. We can then, as appropriate, adopt the necessary regulations or administrative approaches consistent with those criteria. The criteria will also permit us to measure and monitor the results of our actions.

The results of the study in conjunction with comments and input contained from the ANPRM will provide the basis for reasonable, constructive, and fair regulations for reducing impacts over national parks.

With respect to pending legislation, it is the administration's view that we will afford the opportunity within the administration to address these challenges through established administrative processes. I think we have demonstrated an ability and a desire to do so. Legislative action at this time would not only be premature but could result in Congress mandating actions that FAA and NPS ultimately find to be unsafe, inappropriate or ineffective solutions.

We believe that we have all of the legislative authority necessary to address this issue, and for that reason do not support any of the pending legislative proposals. However, we welcome the continued interest and oversight of Congress and the subcommittee.

In closing, Mr. Chairman, I can assure you that this cooperative interagency process has top-level support within the administration. We are committed to achieving balanced results that are good for aviation and good for our parks. I have every confidence that our efforts will be successful. We look forward to working with the subcommittee on this important issue.

That concludes my prepared statement, Mr. Chairman. I would be pleased to answer any questions you may have.

Mr. OBERSTAR. Thank you very much. We certainly will come back with some questions.

Mr. Reynolds.

Mr. REYNOLDS. Thank you, sir.

Mr. OBERSTAR. Welcome to our hearing. This is not a familiar venue for the National Park Service, the Subcommittee on Aviation.

Mr. REYNOLDS. You have no idea how much we appreciate being here. Thank you.

Mr. OBERSTAR. Glad to have you.

Mr. REYNOLDS. Chairman Oberstar, Members of the committee, I have submitted my testimony, and I will paraphrase that this morning.

Mr. OBERSTAR. It will be included in full in the record.

Mr. REYNOLDS. Thank you for the opportunity to appear today to report on progress relating to the National Parks Overflights Act and in working cooperatively with the Federal Aviation Administration. We are very pleased to be sitting with Barry this morning.

I am pleased to report the draft of the National Park Service's report to Congress as required by the overflight act was forwarded to the FAA on July 15th for their review. We expect to transmit the final report to Congress on September 12th, 1994.

I am embarrassed at the length of time it has taken to complete this report and sincerely apologize for the delays. Noise, visual effects, physical vibrations resulting from overflights of National Park System lands continue to adversely affect park visitors, wildlife and the integrity of national cultural sites. Through cooperation of the National Park Service and the Federal Aviation Administration, substantial progress toward effectively addressing some of the issues is beginning to be made.

The goals of the National Park Service overflights program are, one, to protect natural quiet as an inherent resource in parks; two, to ensure that today's visitors and future generations will enjoy these parks in an unimpaired manner as required by the organic act of the National Park Service; third, to reduce existing adverse impacts for present overflights in parks and prevent additional impacts from development.

Overflights in park lands and their adverse effects are a growing concern in areas of frequent overflight operations such as Grand Canyon or Haleakala National Parks. Air traffic noise is heard up to 70 to 80 percent of the daytime in some areas. Certain locations in parks, as many as 40 aircraft per hour have been reported.

Quiet and solitude are central to most visitors' experience, since its absence is a loss of our national heritage. While noise is one of the most readily apparent effects of airplanes or headlights flying in park lands, noise is not the only problem. Presence of aircraft can be equally disturbing. Aircraft could not belong in the setting, for instance, when viewing the Statue of Liberty. Viewers who come to a natural wilderness area seek solitude, a respite away from an increasingly noisy and mechanized modern world.

Mr. Chairman, I realize that distraction from trucks, trains, and other vehicles can pose similar problems in our parks. Although the effects are similar, officials at the National Park Service have the authority and responsibility to manage these activities so as to preserve the values of the park. This is not true for aircraft overflights. All airspace including that over National Park System lands directly falls under the jurisdiction of the FAA.

The National Park Service has no interest in controlling airspace over park lands. We believe that is the job of the FAA. We do, however, believe the resolution of the overflight issues must involve the

FAA using its jurisdiction over airspace and commerce to meet National Park Service mandates to protect park resources and values.

The Park Service and FAA are working together to accomplish the responsibilities as set by Congress to protect the park's unimpaired enjoyment by future generations. The National Park Service is not advocating elimination of aircraft overflights, nor do we believe all such flights are inappropriate. As with other means of enjoyment, it is a matter of balance.

Secretaries Peña and Babbitt have established an interagency working group to address overflight issues. The FAA and Park Service jointly published the advanced notice of proposed rule-making on March 15th, as Barry has outlined to you. The notice outlines a number of potential options that could be considered to address the park overflights issue. These include special zoning, altitude restrictions, operator specifications, concessionaire status for air tour operators, noise budgets, quiet aircraft technology, incentive requirements, and flying time limits, among others.

The Park Service and FAA are carefully reviewing over 2,000 comments received. The working group intends to consider these ideas and suggestions in three groupings: the Grand Canyon issues is one, Hawaii issues are two, and general or national policy issues is the third.

In addition to the rulemaking process, there have been a number of voluntary actions that are being tried by the air tour industry to help improve the present situation. Helicopter tour operators in Haleakala National Park have agreed to a three-month trial control similar to those contained in H.R. 1696 introduced by Representative Mink. They include minimizing the number of flights over the park, closing certain areas to overflights and establishing minimum altitudes for areas of the park that do have overflights. We have received information from the air tour industry that these voluntary restrictions have not resulted in a loss of business for the operators.

Similar voluntary restrictions may soon take place around Hawaii Volcanoes National Park. They have not been started yet. Through the efforts of the Governor of Arizona, the Grand Canyon Trust and helicopter operators at Grand Canyon National Park, the short-term voluntary agreement to limit growth in the number of flights of Grand Canyon National Park has been negotiated. These actions may help demonstrate what can be accomplished through the voluntary measures and what circumstances may need regulatory control.

The Park Service's report to Congress will be valuable in addressing the issue of overflights in a number of areas. One, it summarizes in one comprehensive document the results of numerous studies on the effects of overflights on park visitors and resources. Two, it specifies National Park Service priorities for addressing overflight impacts as well as national goals. Third, it lists park units where aircraft impact reduction efforts should be targeted as the highest priority.

The report clearly demonstrates that initial efforts to address overflight problems are outweighed by the tremendous growth of the overflight industry in recent times. For example, in 1977, 4,610 air operations took place in the Grand Canyon airport. By 1992

there were 173,732, an increase of 37-fold. Air traffic operations increased 22 percent in a one-year period between 1986 and 1987.

The Grand Canyon Airport is just one of the bases of operation that provides air tours over the park. It is possible that well-intentioned efforts to redirect air traffic to reduce impact on visitors or development of quieter aircraft and altitude restrictions could be negated by an increase in the overall number of flights. To date, there have been no restrictions on the number of flights permitted to fly over parks even in sensitive areas.

The number of air tours over national park lands are expected to increase at parks where they now exist as well as where they have not yet been established. Given the severity of overflight impacts prevalent in certain parks, NPS and FAA have concluded that, one, it is more efficacious to prevent overflight problems from developing and attempting to solve situations that arise on a case-by-case basis.

Two, the degradation of park resource conditions and visitor experiences in certain areas must be reversed. Natural quiet must continue to be a resource that will be available to future generations of park visitors.

Third, a national policy on park overflights must be created with criteria for applying that policy to individual park units including a conflict resolution process. The policy must include recognition of natural quiet in parks with scarce and valuable national resources.

Mr. Chairman, as I come to the conclusion of this, perhaps my next paragraph philosophically represents where the National Park Service comes from. The Park Service recognizes the responsibility of the FAA in managing airspace and does not seek to infringe upon its authority or responsibility.

However, the National Park Service is charged with responsibility to preserve unimpaired the sites in its care. In 1978, the Congress amended the organic act of the National Park Service as follows: "The authorization of activities shall be construed and the protection, management and administration of these areas shall be conducted in light of high value and integrity of the Park System and shall not be exercised for the derogation of the values and services for which these various areas have been established."

FAA's role must be to control the airspace to enable the National Park Service to accomplish its job. No one else has the authority to do so.

The FAA has assured us they will take action to ensure the Park Service achieves this level of protection in national park areas. We are pleased by the unparalleled cooperation that we have received from the Department of Transportation and the Federal Aviation Administration. This cooperation will result from regulatory framework based on the recent advanced notice of proposed rulemaking setting forth clear direction with explicit recognition on how much can be accomplished by using both agency's authorities to protect park resources and visitor experience.

We are deeply committed to protecting the integrity of our parks. Our recent cooperative efforts hold promise for such goals. We realize there remains much work to be accomplished. We look forward to working with both you and the Federal Aviation Administration.

Thank you.

Mr. OBERSTAR. Thank you very much for your testimony and for the efforts that both the FAA and the National Park Service have made together to come to a resolution of this very complex subject.

The potential solutions for management of this matter, airspace and overflights, come down to the issues outlined in your ANPRM, voluntary actions, minimum altitudes, operations to mitigated noise, regulation of airspace routes to minimum altitudes, flight free times, flight free zones, minimum operating altitudes, that is, no lower than 14,500 in Hawaii, and similar levels on the mainland, and incentives for quiet aircraft.

I do not see in any of these listings total ban on overflights. Many of the people that I have met with, environmentalists and air tour operators, have concerns from different viewpoints. Some in the environmental community say the only way to conserve these areas is to ban all flights. Some people would like to ban all intrusive use of certain areas. Others would simply like to regulate it.

Air tour operators are concerned that this whole initiative is moving in the direction of a total ban on overflights.

Lay out the broad policy objective of this joint and unprecedented rulemaking.

Mr. REYNOLDS. From the Park Service's point of view, as I tried to indicate, I believe that the broad objective is to, park by park, each park having different legislation that created it, achieve a balance of when and to what degree air tour operations are appropriate in providing services to visitors.

Mr. OBERSTAR. You are going to deal with each one on its own merits, each part of a park on its own particular merits and needs?

Mr. REYNOLDS. That is correct, and including natural quiet as one of the resources in those parks.

Mr. OBERSTAR. Mr. Valentine, the environmental issues is an area where the FAA was dragged only kicking and screaming into dealing with such matters in the past, and now you are right in the swing of it on this issue.

What are your thoughts about that question I posed a moment ago?

Mr. VALENTINE. Obviously it is not the objective of the FAA to ban flights of aircraft over national parks. But as John suggested, to work cooperatively with the National Park Service to identify those locations and those circumstances where we need to give consideration to the level of activity that is appropriate for particular parks.

I would note that in some areas the FAA has had a very strong involvement in environmental matters, and that is particularly with the subject of noise around airports and its effect on communities. As this committee very well knows, the agency has spent tens of millions of dollars on such studies and programs, so we do have some experience and commitment in that area.

Mr. OBERSTAR. Where do you draw the responsibilities here? I can sort of summarize it very briefly, maybe oversimplifying it, but the responsibility of the National Park Service is to the land, the water, the trees, the creatures on the ground, and the FAA's responsibility is the safety, navigation, and management of the aircraft in the airspace.

Who manages to which level?

Mr. VALENTINE. I think that is what we are trying to determine through this interagency process. And we recognized at the very beginning this was not going to be easy to achieve.

And, Mr. Chairman, one of the things we did when we first met was to spend some time learning about one another, to learn about our missions, our respective missions, to learn about our goals, to learn about our cultures, to learn about our constituencies. We felt by having that understanding it would certainly assist in coming up with solutions to what we all recognize is an extremely difficult problem.

So I am not sure that we are at the point yet where we can certainly say this is where the line is drawn between areas of responsibility. That is one of the things that we hope will emerge from this process.

Mr. REYNOLDS. In terms of what we are responsible for managing and how we go about doing that, a shaky parallel might be clean air as opposed to quiet places or light quiet places.

In the case of clean air, the National Park Service does not have the authority to regulate clean air. But the National Park Service has, Congress has recognized clean air, particularly in the so-called class 1 parks, national parks as opposed to other units, and wilderness areas, that the Park Service has a responsibility.

Partly the Congress has recognized that clean air is a resource in those parks. We have a relationship with EPA in that case defined in law in which we have a very great responsibility to inform EPA and assist them in helping them achieve our objectives and their objectives for clean air.

Retention of management of natural quiet in and above park units is a similar situation, I believe, as we have here with FAA.

Mr. OBERSTAR. Secretary Peña, when the working group was formed, said that transportation policies and the environment were too often at odds in the past. The Department of Transportation cares about the environment, the Grand Canyon, our national parks, some of the country's most precious resources. I believe we can provide air access while ensuring the park experience for park visitors.

Secretary Babbitt says aircraft noise is reducing enjoyment for parksite tours, diminishing a good portion of the enjoyment and the restoration of the spirit that comes from a visit to the park. That is kind of like expressing two religious viewpoints, each of them somewhat different from the other.

But it is encouraging that the two of you are working together, and I like Mr. Valentine's description that you are trying to understand each other's culture, roles and responsibilities. But let us encourage you to continue that.

I will have a few more questions. I would like to yield at this time to Mr. Clinger. The other Members of the panel are here for resource support.

Mr. CLINGER. Mr. Reynolds, according to Public Law 103-66, the Park Service is required to collect specific fees for every flight over the Grand Canyon and areas of the national park in Hawaii. Are those fees presently being collected?

Mr. REYNOLDS. Can I take this opportunity to introduce the people who are with me? On my right is Pete Peterson, the Assistant

Superintendent of Glacier National Park. On the left is Boyd Evison, the Superintendent of Grand Canyon National Park. Dan Taylor, the resource manager at Hawaii Volcano National Park.

May I ask Boyd and Dan to answer that question, please?

Mr. OBERSTAR. We are sorry to bring to you this cauldron of Washington from this great environment.

Mr. EVISON. Shall I start, Mr. Chairman? I grew up in this place so it doesn't hold quite the fear for me that maybe it does for other people, but it is nice to be away from here a lot of the time.

At Grand Canyon National Park we notified air tour operators in Martha they were to submit reports to us in accordance with the Budget Reconciliation Act, and that we would then bill them accordingly. We got practically no response to that. We heard from people that they had not received it. We sent another mailing subsequently, which somewhat simplified the process and made clear what was expected. We have since then had responses from 20 out of the 46 that we now count from the list we get from the FAA as operating over the canyon. Of those, about half have submitted some payment. So it has been a spotty record so far.

There is until August 15 for some of those who are reporting to us to submit payments still, so there may be a higher compliance rate than is indicated by those figures.

Mr. TAYLOR. I am speaking for two parks in Hawaii, Hawaii Volcanoes National Park and Haleakala. Both of those parks have a fees contingency. Haleakala has nine operators and only one has paid regularly, although four have reported, and sometimes paid.

At Hawaii Volcanoes, we have 13 operators who use the park. Only four have ever paid anything, and one has paid regularly. So the record is spotty as it is in Grand Canyon, and percentages are similar.

Mr. CLINGER. Have you made any effort to enforce the provision with those that are presently not paying?

Mr. TAYLOR. I am not sure there is a mechanism for enforcing it. As Grand Canyon has done, we sent two letters to all of the operators at various times and we have sent them bills of collection.

Mr. CLINGER. I am surprised that anybody is paying. Air tour operators said a study that was done in 1993 in the Grand Canyon area indicated that 90 percent of the visitors to the canyon did not feel that noise was a serious problem or intrusive problem to affect their enjoyment of the park. I wondered how, Mr. Reynolds, you might feel about that or any of your colleagues, if that was an inaccurate study, or if you think that is overstated.

Mr. REYNOLDS. If I can, Wes Henry is here, and Wes has run these studies from the very beginning and knows the details.

Mr. HENRY. Mr. Chairman, the studies found, for example, we did both a visitor intercept survey at the gate. We also did a mail survey follow-up to a subset of that population.

Mr. CLINGER. This was the study in 1993?

Mr. HENRY. I believe that is what you are referring to, yes. About 32 percent of the people heard aircraft. The percentage in the front country is low, and I really don't have the exact percentages in front of me. But I know for the back country and river people, those percentages were considerably higher.

Mr. CLINGER. Higher of people that heard?



Mr. HENRY. And also affected by the aircraft. It is a very significant proportion of the back country and river people who hear aircraft and are bothered by it.

Mr. CLINGER. But what about the overall percentage? Is the 90 percent an accurate figure overall?

Mr. HENRY. Ninety percent?

Mr. CLINGER. That is what my understanding was, that 90 percent of all park visitors reported there was no impact.

Mr. HENRY. I apologize, Mr. Chairman, I don't have the exact number with me, but it is somewhere between 10 and 20, I believe. I will get the official number for the record.

Mr. REYNOLDS. One thing that is worth pointing out is there are many different experiences depending on what you are doing in the National Park System, and those people who are involved in that variety of experiences have different kinds of responses to in this case overflight noise.

Mr. OBERSTAR. Will the gentleman yield?

This is a very important piece of information because I think every tour operator who has submitted testimony cleaves to this 90 to 91 percent figure that prior to the restructuring, the rearrangement of overflights of Grand Canyon, there are volumes of flights, and subsequent to the restructuring of flight patterns, establishment of noise-free zones, the number of complaints plunged, and 98 to 91 percent report no significant noise.

Mr. REYNOLDS. The National Park Service does not manage any of its resources based on the number of complaints we receive. We instead try to manage based on professional evaluation of the kinds of experiences that the national parks provide and the kind of resources we are there to protect.

Mr. OBERSTAR. You are saying then that there may be some areas where there is 90 percent drop-off in complaints, but maybe other places where there are significant impacts remaining?

Mr. REYNOLDS. That is correct, sir.

Mr. HENRY. Mr. Chairman.

Mr. OBERSTAR. Mr. Evison.

Mr. EVISON. One of effects of SR 150-2 has been to shift air tour operations away from some of the areas in which the greatest concentration of visitors tend to occur. So a high percentage of the visitors have been spared a lot of the aircraft noise. The irony, of course, is that it has shifted to places where people go to great lengths to get away from the impacts of noise associated with those concentrations of people.

And so the people that, as Wes indicated, the people who have been asked about whether or not their experience has been adversely affected by overflights, the people in the back country and along the river have a much higher percentage than 10 percent have indicated that it has. And the charge, as we understand it, is to substantially restore natural quiet, not just to reduce complaints.

Mr. OBERSTAR. Ms. Danner.

Ms. DANNER. Yes, Mr. Chairman. I have no questions.

Mr. OBERSTAR. The gentleman from Tennessee.

Mr. DUNCAN. Thank you, Mr. Chairman.

Who can tell me, or can anybody tell me specifically how big a problem this is? What I am talking about, Mr. Reynolds, can you give me any specifics on how many letters of complaint about air traffic noise have been received by the Park Service?

Mr. REYNOLDS. I do not know. I am sure we can find out more or less how many, but again, the National Park Service does not and has never made its decisions based on how many people complain or how many people vote one way or another on a specific solution.

Mr. DUNCAN. Well, that is almost like saying you don't care what the people think.

Mr. REYNOLDS. That is just the opposite of that. We do care that the people of the United States in most Roper polls, over 85 percent believe that the National Park Service is the best managed agency in the government. And other surveys that the Park Service has had done indicates that that belief is predicated on the fact that we protect the natural resources and the cultural resources very well. When we do not do so our success as expected by the American people drops off, even though individuals may believe that the action that we took was not the one they wished us to take.

And so I guess what I am saying is, my job is to figure out what the American people as a whole want from their national parks, listen to all the people who come and their reactions to what is going on in that park, and find the balance that achieves the objectives that Congress has set out for us. That means listening to people a lot of the time.

Mr. DUNCAN. One of the later witnesses has a paragraph in his testimony about the Grand Canyon, Mr. Evison, and he says this area where over 90 percent of the park visitors visit the park represents only about a third of the geographical area of the Grand Canyon National Park. This area also lies under a huge flight-free zone. Is that correct?

Mr. EVISON. Something less than half of the park is in flight-free zones. The fact is that the studies have indicated that in a very small fraction of the park has natural quiet been restored. And that is scattered pieces that you kind of have to hunt out.

The question of natural quiet is a difficult one, partly because people—it is kind of a foreign notion, it is a new idea. The Congress specifically cited it as a natural resource in the Grand Canyon Enlargement Act in 1975. I don't know where before that it was given that kind of recognition.

Mr. DUNCAN. That was not the question, though, that I asked. You said that about half or a little over half of the park is presently under a flight-free zone at this time.

Mr. EVISON. That is correct, and that in most of the area that is in flight-free zone, it is still frequently possible to hear the sound of overflights and for that to intrude on the kinds of things that people are seeking when they visit a park.

Mr. DUNCAN. When you are talking about overflights, now, are you talking about commercial aircraft flying?

Mr. EVISON. Talking about air tour operations. And there is impact also from commercial overflights, but the focus of the legislation, as I understand it, has been on the air tour.

Mr. DUNCAN. But to get to total natural quiet, you would have to ban all the air tour operations altogether?

Mr. EVISON. To get to total for the whole park, yes. But I think it is possible to actually restore natural quiet with respect to air tours in more than half of the park and still have the opportunity to provide for the public, those that want to do it, the air tour flights.

Mr. DUNCAN. How would you do that if you are saying that over half of the park is already under a flight-free zone, and yet you are saying, even in those areas, the air tour operators are—their noise is intruding?

Mr. EVISON. That half is broken up into chunks that—none of which is large enough to assure that kind of natural quiet. If, in effect, the air tour access areas were placed in such a way that a considerably more extensive chunk of the park were flight free, I think you could at least approach something like restoration and natural quiet to a very substantial part of the park.

Mr. DUNCAN. Sir, not knowing—

Mr. REYNOLDS. I was just going to clarify that a little bit.

Mr. DUNCAN. Let me ask. Not knowing the detail that you all know about this, I would assume that this is a greater problem some places than others. Is that fair to say?

Mr. REYNOLDS. That is true.

Mr. DUNCAN. And would it then not be better to come up with some sort of policy on a park-by-park basis?

Mr. REYNOLDS. That is what we are trying to do with FAA, exactly.

The ANPRM that we—I never get that—those letters right. The rulemaking process that we are trying to go through tries to address the Grand Canyon as one issue, the Hawaii parks as an issue, and then set up a system whereby we can address other parks, either and including both prior to the time the problems get so intractable that it is very difficult to work on or, if other parks have achieved that level, then we can also address those on a park-by-park basis, based on some national policy and a process that we all know ahead of time we are going to go through.

That is what we are trying to work with FAA on, and the relationship—this relationship that we have with FAA is extremely good in that regards.

Mr. DUNCAN. Mr. Peterson, is this a problem?

Mr. REYNOLDS. Can I go back to that question?

Mr. DUNCAN. Yes, sir.

Mr. REYNOLDS. The basic question in Grand Canyon is what we tried previously, with the knowledge that what we did then has not achieved the objectives, and we—and, basically, we need to redo it. And I think that is what Boyd is saying, that the objectives we have not achieved. We didn't have the science we had today. We didn't know the potentials for impacts, and we have to redo that.

Mr. DUNCAN. Mr. Peterson, how much of a problem is this at the Glacier National Park?

Mr. PETERSON. As Congressman Williams so aptly explained, Glacier National Park is a resource of international concern, and the air tour industry has really just gotten a start there, which also

gives us a real opportunity to address a problem before it advances to a point of difficult return.

We do have a problem there. We do have many complaints about aircraft overflight. We have four or five operators to our helicopter tours, and we have concerns about wildlife and visitor experience, as Congressman Williams did explain.

Mr. DUNCAN. When you say many complaints, what are you talking about?

Mr. PETERSON. Well, we register probably about 10 to 15 letters a year and then an additional 200 to 300 complaints through our back country registration system. Our back country experience is about 27,000 visitors a year, which I would point out, all of which have to register and get a permit to camp in the back country in Glacier. Glacier National Park is about 95 percent wilderness.

Mr. DUNCAN. What is the total area of Glacier National Park?

Mr. PETERSON. Glacier National Park is just a little bit over one million acres.

Mr. DUNCAN. One million. All right, thank you very much.

Mr. OBERSTAR. Could you, Mr. Valentine, describe a little bit more what you plan to issue in the special Federal aviation regulation on Hawaii in August?

Mr. VALENTINE. Yes, Mr. Chairman.

Mr. OBERSTAR. And some aspects of that rulemaking have been advocated in the past by NTSB, am I correct?

Mr. VALENTINE. That is correct, particularly the portion between—the difference between part 135 operators and part 91.

Mr. OBERSTAR. Do you plan to have one standard convert 91 to part 135?

Mr. VALENTINE. The rule being proposed would have one standard for Hawaii air tour operators. So it specifically designates just Hawaii air tour operators.

Separate from that, the FAA has been looking at suggestions that air tour operators nationwide be considered for the transition from what is now an exemption to operate under part 91 to part 135.

As you well know, one of the issues there would be to, first of all, define what an air tour operator is before proceeding with a blanket change in that nature. There are, again, as you well know, at small airports all over America, people who offer rides on airplanes, a lot of literally ma and pa operations, and so we need some sort of definition as to who is or is not an air tour operator, for the purposes that the NTSB was recommending, which was to provide safety for passengers traveling on commercial air tour operations.

So I would caution that before proceeding beyond the particular case in Hawaii, that, you know, that certainly be looked at closely.

Mr. OBERSTAR. Are there any problems—any operational problems of establishing a single standard for tour operators outside of Hawaii?

Mr. VALENTINE. Other than, one, making sure that you have a clear definition of who and what is a tour operator.

Mr. OBERSTAR. We have just had a very extensive hearing on this subject of commuter and regional airline operations and the difference between part 121 and part 135, and we have pushed the

FAA to establish a single standard. The administrator gave us a commitment to establish a single standard. Many of the airlines are moving on their own with cochairing partners to establish a single standard. I don't know why we shouldn't do the same for part 91 and part 135.

Mr. VALENTINE. The only thing to caution is that, in so doing, you are placing a burden upon the operator. And there are some very small—I fly out of the airport outside of Annapolis and fly out of the Freeway Airport, and you can go out there and pay \$20 and go for a ride in an airplane.

For those parties to have to comply with part 135 would impose an additional economic burden. Is that appropriate for that kind of operation? So I only point out that we need to clearly understand what we mean when we say commercial tour operator before then proceeding.

Mr. OBERSTAR. In some aspects. But certainly with respect to training and retraining and qualification of pilots, I see no reason not to have a single standard.

Mr. VALENTINE. We are looking at that and proceeding in that direction.

Mr. OBERSTAR. Thank you.

Mr. Clinger, further questions?

Tour operators express their concerns about erosion of FAA's jurisdiction over the airspace in this—throughout this debate. As I read through the testimony and what we heard this morning from our colleagues in the Congress, one after another insisted that the FAA maintains jurisdiction over the airspace. How do you see FAA's role and authority and jurisdiction over airspace, Mr. Valentine?

Mr. VALENTINE. Mr. Chairman, I am very glad you asked that question because one of the things I believe it is very important to stress is that the FAA has as one of its primary missions the safe and efficient management of our national airspace. It is the agency with the experience, with the knowledge and with the expertise. And it is important, as we work together to solve these particular problems, that we do not do anything to erode the ability of the agency to continue to act as the single agency responsible for the management of our national airspace.

Mr. OBERSTAR. Now, Mr. Reynolds, in the safe management of the airspace, can you conceive of circumstances in which the safest route may be also the most environmentally intrusive route or noise intrusive route and that might lead you to say we would rather not have any flights over here than to have them safe and noisy?

Mr. REYNOLDS. You ask if I could conceive of a situation like that. I have trouble conceiving of one. I think that in all the places that we know about so far those situations can be balanced out and made to work without triggering that exact response.

Am I wrong about that or have we found places where there is such a clear—

Mr. HENRY. You are correct, John.

Mr. OBERSTAR. So there may be some other considerations for not having a flight, but, between the two of you, you are able to balance out safety versus—

Mr. REYNOLDS. Now that you brought it up, I am sure sooner or later we are probably going to have to work it out with each other.

Mr. OBERSTAR. If the concessionaire role proposed by Mr. Williams' bill were to come into effect and operation, what would the concessionaire relationship do to FAA's responsibility, Mr. Valentine? What issues would it raise in your management of the air space?

And, Mr. Reynolds, what relationship—what relational problems or opportunities might it create for the National Park Service in Grand Canyon should that exist?

Mr. Valentine.

Mr. VALENTINE. Mr. Chairman, since you have raised that, let me offer a note here for a slight correction. I think Mr. Reynolds in his presentation mentioned that concessionaires was one of the items listed in suggestions of the ANPRM. And although that is something we have talked about in our interagency group it is not specifically listed in the ANPRM. The concern the FAA would have about concessionaires is that it not be a back-door approach to regulation of airspace.

Mr. OBERSTAR. Mr. Reynolds.

Mr. REYNOLDS. First, I want to stress that the Park Service and the FAA have agreed that our first priorities in working out aircraft overflight issues should be to work with each other. Given that, if there are—if legislation arises which we will need to testify on that protects resources of the parks, obviously, we will not oppose such legislation.

Now, in regards to this bill of Mr. Williams, we don't see that as an intrusion upon FAA's authorities. We do believe that the FAA has authorities that could be used to assist us in achieving the goals related to airspace over national parks and that a concession arrangement, depending on—obviously, on how it is put together, but a concession arrangement does not have to conflict with FAA's responsibilities.

Mr. OBERSTAR. Now, both of you have indicated that you are on track and on schedule for the August and October deadlines or goals that you have set for yourselves. And, beyond that, what is your timetable for coming to a conclusive resolution of this matter?

Mr. REYNOLDS. Barry, do you want to answer that or—

Mr. VALENTINE. Go ahead.

Mr. REYNOLDS. In that case, I am going to ask Barbara West, who leads the Department of the Interior Park Service team, to help us all.

Ms. WEST. I am Barbara West. Our plan at this point—

Mr. OBERSTAR. Come to the microphone, please.

Ms. WEST. I am Special Assistant to Mr. Frampton, Assistant Secretary for Fish and Wildlife and Parks.

Our plan is to work with one another from the point at which the report from Congress is completed on September 12th and have something for a notice of proposed rulemaking in either December or January.

And I am not sure exactly which aspect of the three tracks that we have discussed will be the first one. A lot will depend on what is in the comments that we receive, but the three tracks are the Grand Canyon track, the Hawaii track and the general policy

track. And I rather imagine that we will have something on Hawaii with the emergency rulemaking on safety. The Grand Canyon report will be in. So either Grand Canyon or the general policy will be the point at which we start on a proposed rulemaking package.

Mr. OBERSTAR. I just want to urge those agencies to recognize the reality here that as long as you are on track toward meeting those goals and those time frames of rulemaking, legislation isn't going to move. But if there is slippage, the pressure will grow for legislative action.

And both of you have expressed your concerns about the constraints, the problems, that legislation might create, either on the safety side or on the environmental side. And if you do have authority—do you have regulatory authority? And I prefer that matters of this kind be managed through regulations. It is more flexible than law.

Once the agencies begin to slip and the perception is this matter isn't being resolved, it has already taken some seven years, then the pressure will grow for legislative action.

We will watch with great interest, but the responsibility is on your shoulders to continue this novel and encouraging interagency cooperation. But stay on track, meet deadlines and give the interested parties the comfort and confidence that you are carrying out your responsibilities or we will be back here very quickly with legislation.

Mr. REYNOLDS. That is crystal clear.

Mr. OBERSTAR. And I thank you for your participation this morning.

Mr. VALENTINE. Thank you, Mr. Chairman.

[Subsequent to the hearing, the following letters were received from Mr. Valentine and Mr. Evison:]



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

800 Independence Ave., S.W.  
Washington, D.C. 20591

**SEP 2 1994**

Mr. David Traynham  
Subcommittee on Aviation  
Committee on Public Works and Transportation  
Suite 2165, Rayburn House Office Building  
Washington, DC 20515

Dear Mr. Traynham:

Thank you for your request on behalf of Congressman Pat Williams for additional information and clarification concerning my presentation of Federal Aviation Administration (FAA) concerns regarding H.R. 4163 at the subcommittee's hearing last month. I appreciate Congressman Williams' interest in park overflight issues and welcome this opportunity to provide a more comprehensive explanation of my remarks.

As I noted in my testimony at the hearing, the FAA is concerned that granting the National Park Service (NPS) authority to license air tour operators as concessionaires of units of the National Park System would give the NPS control over the operation of aircraft and the use of airspace. We believe that such licensing authority would in fact result in NPS regulation of aircraft operations and airspace, and that it would undermine the FAA's ability to manage U.S. airspace for the safe and efficient operation of aircraft. We also believe that such measures are unnecessary to protect park values, in light of the ongoing cooperation between the NPS and the FAA in using existing FAA authority to address park overflight issues.

The concession permit proposed in H.R. 4163 would confer actual control of aircraft and airspace in several ways.

First, denial of a permit is denial of access to the airspace in which the permit is required, and certainly represents a form of control over airspace. Simply denying a concession permit to a commercial air tour operator also would likely cause the operator to go elsewhere, which could impact another area for which the NPS has no responsibility. A limit on the number of flights over a park through control of the number of permits, for example, could simply result in movement of flights to the borders of the same national park, which in turn could result in compression of traffic on park boundaries and a potential reduction in safety.



Second, the power to require a permit includes the power to impose conditions on the issuance and renewal of the permit. Such conditions could include requirements to operate on certain routes or at certain altitudes, or to use certain types of aircraft. Even if NPS did not expressly require such conditions, an air tour operator would be motivated to comply with a park superintendent's informal requests in order to ensure that its concession permit was renewed. Denial or revocation of a permit because the operator uses a particular type of aircraft or operates in a particular area would represent direct control of aircraft operations.

In fact, direct NPS control of aircraft operations and airspace use appears to be the only reason for an NPS concession permit for air tour operators; if the NPS could not deny the issuance of a permit or place conditions on the use of a permit, then there would seem to be no reason for a permit requirement at all. If the NPS could exercise such power, then it would be regulating in an area previously reserved by Congress exclusively to the FAA for very compelling safety reasons.

The Federal Aviation Act of 1958 established the FAA specifically to consolidate control of the navigable airspace and aircraft operations under a single agency, after a series of mid-air collisions that resulted from overlapping air traffic control responsibilities. NPS powers under a concession permit system might not be considered the exercise of "air traffic control," but would represent a degree of control of aircraft operations and airspace that would overlap and potentially conflict with the responsibilities and regulations of the FAA. A provision for FAA safety review of NPS recommendations or actions does not cure this problem and is no substitute for the unified planning, management, and control of airspace by a single, specialized agency.

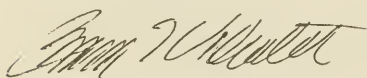
I would also note that the authority to require (and deny) a concession permit would represent a new and unprecedented limitation on the economic authority granted to commercial operators by the Department of Transportation as well as on the operating authority granted under FAA safety certificates (14 CFR Parts 121, 135). No other Federal or state permit, tax, or license requirement has the effect of limiting the airspace in which a commercial operator can fly.

In summary, we believe that the authority to license air tour operators as park concessionaires is very much an exercise of control, both over individual operators and over the use of airspace, and that this control is inconsistent with the safety purposes for which the FAA was established nearly 40 years ago. Moreover, granting authority to NPS as a land manager to limit or influence the flight of aircraft over NPS-managed

land would be a fundamental change in the reservation of the navigable airspace for a national system of aviation. It is difficult to see the distinction between the property management interests of the NPS and those of other Federal agencies and state and local governments that administer parklands. Certainly those agencies would seek similar treatment if the NPS is granted licensing authority over commercial overflights.

At present, impacts of aircraft overflights on the surface, whether related to noise, safety, or national security, are addressed by the FAA through its plenary regulatory authority and special expertise. The FAA has full authority to regulate flights above units of the national park system, and we believe that NPS concerns regarding air tour overflights can be resolved effectively through continued coordination and cooperation between the NPS and the FAA. A grant of overlapping airspace management authority to the NPS would adversely affect the safe management and control of the national airspace system, and is not necessary to resolve park overflight issues.

Sincerely,



Barry L. Valentine  
Assistant Administrator for Policy, Planning,  
and International Aviation

Enclosure  
Transmitted Correspondence

F54 (GRCA-8226)  
 XS5815  
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JUN 20 1994

MEbersole  
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FIRST CLASS MAIL - CERTIFIED

1-:

Gentlemen:

We understand that there has been some confusion regarding accomplishing the mandates of the Omnibus Budget Reconciliation Act of 1993. The Act, signed into law on August 10, 1993, amended Section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a) in a number of respects. Among these was a directive to begin charging additional fees for commercial tour operations entering the park by vehicle. Specific to this letter, the statute established a new requirement concerning fees for aircraft conducting tours above parks by adding the following subsection:

- "(5)(A) The provisions of this subsection shall apply to aircraft entering the airspace of units of the National Park System identified in section 2(b) and section 3 of Public Law 100-91 for the specific purpose of providing commercial tour services within the airspace of such units.
- (B) The provisions of this subsection shall also apply to aircraft entering the airspace of other units of the National Park System for the specific purpose of providing commercial tour services if the Secretary determines that the level of such services is equal to or greater than the level at those units of the National Park System specified in subparagraph (A)."

For clarification, Section 2(b) and Section 3 of Public Law 100-91 (the National Parks Overflights Act; August 1987) specify Haleakala and Grand Canyon National Parks. The numbers of tour aircraft operations over Hawaii Volcanoes National Park have been determined to be comparable to Haleakala and therefore this park is also charging a commercial tour use fee under the provisions in (5)(B) of the Reconciliation Act.

This letter, however, describes the policy and procedure only for collecting commercial tour use fees from aircraft providing commercial tour services at Grand Canyon National Park. For information regarding the commercial tour use fee collection policy at Haleakala and Hawaii Volcanoes National Parks, please contact those parks directly.

The following definition is used to determine the types of situations to which commercial tour fees will apply:

A commercial tour consists of one or more persons traveling on an itinerary that has been packaged, priced, or sold for leisure/recreational purposes by an organization that realizes financial gain through the provision of the service. Such tours do not include shuttle services providing only transportation between two points.

If you are claiming an exemption from the fee based on the above definition, please state that fact, along with an explanation of why your company should be excluded, in a letter to the Superintendent, Grand Canyon National Park.

Part (2) of the new Omnibus Budget Reconciliation Act subsection establishes the amount of the fee per entry as follows: \$25 per vehicle (or aircraft) with a passenger capacity of 25 persons or less, and \$50 per vehicle with a passenger capacity of more than 25 persons.

For the purposes of Grand Canyon National Park, a commercial air tour shall be considered to enter the airspace of the park whenever an aircraft first crosses over the park boundary, in the course of one trip. The airspace of the park extends vertically to coincide with the upper limits of the Grand Canyon National Park Special Flight Rules Area (established by Special Federal Aviation Regulation 50-2 in late 1988). Special Federal Aviation Regulation 50-2 extends from the surface up to but not including 14,500 feet Mean Sea Level. We realize that some commercial tour aircraft and routes may enter and exit the airspace over Grand Canyon National Park multiple times during a single flight. In these instances, only one commercial tour fee will be assessed.

On March 11, 1994, Grand Canyon National Park mailed letters containing an explanation of the new fee and the reporting requirements to 43 air tour companies identified by the Federal Aviation Administration (FAA) as operating within the Grand Canyon National Park Special Flight Rules Area. This letter (the one you are reading now) is being mailed (Certified) to 42 Grand Canyon air tour companies, again identified by the FAA as operating within the Special Flight Rules Area.

As explained in our letter of March 11, each tour company must report by the 10th of each month the number of commercial air tour flights it conducted over the park during the preceding month. The first "Air Tour Report" was due April 10th, and should have included figures for the period of March 15 through March 31, inclusive. Reports must be in writing and mailed to the following address:

National Park Service  
Attention: Budget Office  
Post Office Box 129  
Grand Canyon AZ 86023-0129

It will be the responsibility of each air tour company to ensure that air tour reports are received by Grand Canyon National Park by the 10th of each month.

We would appreciate your assistance with one change from the instructions in our letter of March 11: in that letter we stated that upon receipt of each company's air tour report, the park would prepare a Bill of Collection for the amount due and mail it to the company. The air tour company would then issue a check in the indicated amount and mail it to the park.

These instructions are modified as follows: effective for the June 1994 air tour report (due by July 10, 1994), each company, when submitting each month's air tour report, should at the same time attach a check (payable to "National Park Service") made out in the appropriate amount based on the information in the air tour report. Both the report and check should be mailed together to Grand Canyon National Park at the address specified earlier. This procedure eliminates the need for the park to issue a Bill of Collection and saves air tour companies from having to do a second mailing each month.

Please contact Chief Ranger Steve Bone at (602) 638-7800 or the Grand Canyon National Park Budget Office at (602) 638-7726 if we need to provide additional information regarding implementation of the new requirements of the Omnibus Budget Reconciliation Act.

Sincerely,

Signed

Boyd Evison  
Superintendent

cc:

Floyd Goodyear, Acting Manager, Flight Standards District Office,  
Federal Aviation Administration, 6020 South Spencer Avenue,  
Suite A7, Las Vegas NV 89119

bcc:

Barbara West, Special Assistant to Assistant Secretary for Fish  
and Wildlife and Parks

Bonnie Winslow, NPS WASO RAD (Fees)  
Budget Office (GRCA-8212)

Carl Christensen, Regional Fee Coordinator, Western Regional  
Office, National Park Service, 600 Harrison Street, Suite  
600, San Francisco CA 94107-1372

Chief Ranger (GRCA-8226)

Mike Ebersole (GRCA-8226)

Superintendent, HALE  
Superintendent, HAVO

FNP:MEbersole:mje:ATOFEEES:06/17/94.  
FC:bjt:06/18/94

Mr. OBERSTAR. I will ask counsel to bring my next panel to the table as I join my colleagues in a recorded vote in progress on the House Floor.

[Recess.]

Mr. OBERSTAR. The subcommittee will resume its sitting.

Our next panel has already been seated: Mr. Bracy, Mr. Voorhees, Mr. Clark, Mr. Stokes, Mr. Asmus, Mr. McCloskey, Mr. Gawell, Mr. Maxwell and Ms. Antolini.

Turn your place names around there so I keep you all in order. Thank you very much.

**TESTIMONY OF TERRY BRACY, MEMBER, BOARD OF TRUSTEES, GRAND CANYON TRUST, ACCOMPANIED BY JULIE GALE, WASHINGTON REPRESENTATIVE, AND SUSAN FOX, LEGAL COUNSEL; PHIL VOORHEES, WASHINGTON, REPRESENTATIVE, NATIONAL PARKS AND CONSERVATION ASSOCIATION; ED CLARK, MEMBER, CITIZENS AGAINST NOISE (HAWAII), AND AVIATION CONSULTANT, TOUR AIRCRAFT CONTROL COALITION; PAUL D. ASMUS, FORMER OWNER, HELICOPTER TOUR COMPANY, HAWAII; MICHAEL McCLOSKEY, CHAIRMAN, SIERRA CLUB; BARRY STOKES, PRESIDENT, CITIZENS AGAINST NOISE; KARL GAWELL, DIRECTOR OF NATIONAL PARK PROGRAMS, THE WILDERNESS SOCIETY; CHARLES KAULUWEHI MAXWELL, SR., HAWAIIAN CULTURAL SPECIALIST; AND DENISE ANTOLINI, MANAGING ATTORNEY, MID-PACIFIC (HAWAII) OFFICE, SIERRA CLUB LEGAL DEFENSE FUND**

Mr. OBERSTAR. Mr. Bracy, we begin with you.

Mr. BRACY. Mr. Chairman, thank you very much for this hearing, for your time and attention and for your sort of lifelong and career-long devotion to the environment. You have been great, and we appreciate it.

I am here today with two other members of our team, Julie Gale, who is our Washington representative for the Grand Canyon Trust, and Susan Fox, who is our legal counsel. In case there is any heavy lifting, I am sure they can help me.

Mr. Chairman, I would like to submit my statement for the record—we have given you supporting documents—and see if I can summarize in two or three minutes what our main points are.

I am honored to be speaking to you today as a member of the Board of Trustees of the Grand Canyon Trust. Our organization is dedicated to conserving the natural resources of the Colorado Plateau, starting with and particularly the Grand Canyon.

The trust is headquartered in Flagstaff, Arizona, and so we are aviation dependent. Some of our board members are pilots. I represent pilots and myself was Assistant Secretary of Transportation. So we need and we value the aviation community, the Trust does, and our only argument is with the tour operators.

This hearing comes at a hopeful time for us. We applaud the Clinton administration's initiative on the Grand Canyon, and we are very, very hopeful that the efforts made by Secretary Pena and their staff, Secretary Babbitt, will yield fruit in the near term—in the near term.

We are particularly concerned that on October 9th of this year we will celebrate the 75th anniversary of Grand Canyon National Park, and, incidentally, we are dying to have you come, if you could, and be a guest out there at the festivities. And we would sure like a new aviation regimen by that time. We think it is a reasonable goal.

Let me make two or three points that the Trust feels very strongly about and then go to other witnesses.

Air tour operators are the only commercial use of the national parks whose numbers are not limited to protect the park environment, unlike the rest of us who reserve our space on a rafting trip or a campground months or even years in advance. This remarkable air tour industry multiplies without any apparent restrictions on its growth.

Since the NPOA, the National Parks Overflight Act, was passed by Congress seven years ago, your attempt to manage the noise in the canyon, air tour operators over Grand Canyon National Park have actually doubled to more than 800,000 trips annually. Noise-monitoring devices placed by the Park Service throughout the canyon in some cases record aircraft noise as much as one-half of the time.

Second, let's talk about numbers and volume, Mr. Chairman, and what really is happening there at the canyon.

In the busiest parts of the year—you don't have these flights all year round because, obviously, the weather. But in the busiest times of the year—let's take this month, for example, although I don't have the statistics for this month. You will have as many as 10,000 flights a month—a month—over the canyon. That translates to 30 flights an hour or one flight every two minutes.

Now, if air tours are a good idea—and many people think they are—well, then this is too much of a good idea. And we really feel very, very strongly that we have got to take a hold of this issue and do something about it because it is beginning to really destroy the experience that the Grand Canyon provides.

My final point is this. Air tours are really not different from any other business that benefits from their association with national parks. They consume a park resource, they derive financial gain from park scenic values, and they impose costs on the National Park Service and park visitors.

Air tour operators must recognize that natural quiet and opportunities for solitude are becoming rarer and rarer in modern life and that more and more people are turning to wilderness and parks to find them. There may be a place for unlimited aerial viewing of natural wonders, but, Mr. Chairman, the Grand Canyon isn't it.

And so we, again, thank you and encourage you as a leader of our generation in our role in protecting the parks and in harmonizing the needs of aviation, which we in the Trust believe in, and the very real need to protect this, which is the crown jewel of our national park system, not to exclude the need to do things at other parks.

And, finally, we would hope by the celebration of the 75th anniversary on October 9 when there will be so much attention, media attention and otherwise at the Grand Canyon, that we can have a

new regimen, sort of overseen by Congress but really approved by the administrative agencies in place.

Thank you so much for your time and attention.

Mr. OBERSTAR. Thank you very much, Mr. Bracy, and your complete testimony will be included in full in the record with all of its supporting documentation.

I think we will have time for one more witness. Unfortunately, the bells have rung for a vote on the House Floor. We weren't anticipating one for another 45 minutes but let me proceed with Mr. Voorhees.

Mr. VOORHEES. Mr. Chairman, thank you very much for the opportunity to testify.

My name is Phil Voorhees. I am a Washington representative for the National Parks and Conservation Association. If this committee does not know, or the people present, we are a citizens organization which has been around now for 75 years, and we are dedicated solely to protecting, preserving and enhancing the U.S. National Park System. Currently we have 450,000 citizen members.

This is an issue of great concern to NPCA and its members and to the many visitors to the national parks. The pervasive noise and visual intrusions caused by commercial air tours over the national parks are problems—is a problem that cannot be ignored.

I very much appreciate your statements made earlier this morning as well as the statements made by many of the representatives who testified earlier that there does appear to be a consensus that this is a problem that has to be addressed. NPCA appreciates that recognition.

I think, honestly, that the Park Service and FAA are making real progress in forming a working group under the direction of the Secretary of Transportation and Interior to address the problem through the regulatory process. They seem to have made significant headway and are meeting on a regular basis to discuss the different issues at hand and who takes which lead role where. But I think that it really needs to be stressed that this is not a problem of perception of a very few visitors.

There have been comments from the dais earlier today trying to minimize the feeling of the general public about the issue of national park overflights. I think it is reasonably clear, and I have provided with my testimony copies of articles and editorials from the New York Times, Wall Street Journal, Washington Post, USA Today, Arizona Republic, Deseret News in Utah, as well as a few other papers, which demonstrate that the depth of feeling on this issue is really very strong.

This is not just a matter of a few visitors who are being annoyed by overflights either in the back country or in the front country. This is really a matter of concern for a great many Americans, and I would be happy to say for all Americans.

The national parks, you have to understand, were established with the ethic and the theory to provide a repository of wilderness for the American people to enjoy forever, and those lands were meant to be protected to the fullest possible extent from derogation from any of a variety of different threats.



I think it is clear that the noise pollution and indeed the visual intrusion of persistent overflights are a real threat to the national parks, and it is not just a threat to the aesthetics of the parks.

There have been a variety of studies which document the impact of persistent overflights on wildlife in the parks, some of them endangered species.

There are studies under way, I understand, which address the impact of overflights and the vibrations created by them on cultural resources as well. Again, this is not a problem of a few people complaining on a spotty basis. This is an issue for all of the Americans who expect to go to the parks and find natural quiet and find the opportunity for solitude which, as Mr. Bracy testified, is increasingly difficult to find anywhere in this country.

I urge, however, that the committee withhold and allow the mechanism of the regulatory process to resolve this issue. As I said, FAA and NPS seem to be making headway, and I think it is reasonable that we all wait, both those of us in the conservation community as well as those in the air tour community, to see what kind of resolutions they come up with before we polarize the issue any more than it needs to be.

I would appreciate it if you would include my written statement as a part of the record. That concludes my oral statement today.

Mr. OBERSTAR. Thank you very much. Your statement will be included in full in the record.

At this time, we will have to break for this vote, and I would suggest that we take a 45-minute break so everybody can stoke up on lunch and be ready for a long afternoon.

The subcommittee stands in recess.

[Recess.]

Mr. OBERSTAR. The subcommittee will resume its sitting.

We have heard from Mr. Bracy and Mr. Voorhees. Next on our order of procedure is Mr. Clark, aviation consultant for Citizens Against Noise.

Mr. CLARK. Mr. Chairman, the behavior of some of the air tour operators can only be described by the frequency of their flights, by the dangerously low altitudes at which they operate, and in some cases by the intentional harassment or exploitation of individuals on the ground as an assault upon the community and the natural resources of our environment.

I have been involved in comment upon the safety or lack thereof of tour aircraft operations since arriving in the Hawaiian Islands. My concern is more than noise, more than nuisance. As a former Navy pilot, helicopter pilot, airline pilot, my concerns have centered upon flight safety and the sometimes flagrant disregard of FAA regulations and the common-sense training all professional pilots receive.

My written testimony is before you. But let me address issues raised today by preceding speakers.

Because we have the technical ability to provide access to sensitive and attractive features of our environment, that ability does not create the necessity to employ it. Jobs and economic considerations cannot be permitted to jeopardize or degrade the essential purpose or experience of our national institutions, our natural treasures.

Will you, Mr. Chairman, consider removing the roof of this chamber to permit public access for viewing and experiencing the process of this deliberation by the curious, by the hurried and affluent who haven't the time to sit here with you?

I think not. The arguments I have heard here today justifying the intrusion of aircraft in our natural environment and our national parks are as valid as any argument to allow a hovering cameraman and sightseeing tour to visit this room from above.

I will be happy to answer technical questions about the exceptional character of helicopters and why they should be no exception to the rigorous control of relevant agencies. My testimony is firmly alive with the purposes of the House Bill 1696, by Patsy Mink. Please give it your favorable disposition.

Finally, I would like to quote from the life and times of Secretary of the Interior Harold Ickes in a book titled "Righteous Bill Grimm," by T.H. Watkins. "I think if we make it too easy for airplanes to go whizzing over our parks that we have destroyed a great deal of their value. If we encourage the airplane business, we will see Glacier, Yellowstone and Yosemite from the air at 100 miles an hour. I don't see any sense in catering to that sort of thing."

Thank you.

Mr. OBERSTAR. Thank you, Mr. Clark. We appreciate your testimony and your thoughts and respect for the environment.

Mr. McCloskey of the Sierra Club.

Mr. MCCLOSKEY. Thank you, Mr. Chairman.

In the limited time available to me, I will only give some of the key points in my prepared statement.

When our national parks were first created, aircraft didn't exist, and overflights were not a problem until recent years in most places. However, today park managers report that aircraft overflights of the National Park System's units are in significant conflict with park visitors in scores of areas throughout the country.

Unfortunately, some of the very areas where the potential for solitude and natural quiet are greatest are those places where noise from aircraft overflights, mostly commercial air tours, are most intrusive.

Congress first recognized that aircraft noise was an issue at the Grand Canyon in 1975, in the Grand Canyon Park Enlargement Act, which directed the agency to study the issue and take appropriate steps to correct problems. Not much was done, however, until the tragic mid-air collision between two Grand Canyon air tour flights made nationwide headlines.

Congress responded with the 1987 National Park Overflight Act. The 1987 act mandated studies of aircraft overflights at several park units, established interim minimum altitudes during the study period at Haleakala and Yosemite National Parks, and was most specific concerning Grand Canyon. There, Congress banned air tours below the canyon rim and authorized the Park Service to develop flight-free airspace zones to meet the standard of substantial restoration of natural quiet.

The resulting plan created four flight-free zones over the central part of the Grand Canyon National Park, and left air tour corridors

in between. Congress asked the Park Service to report back on whether their plan achieved the goal of substantial restoration of natural quiet.

According to the Park Service, in terms of what we understand, it doesn't. The main problem is that noise travels. So even though 44 percent of the park area and most of the ground visitors are technically within the boundaries of a flight-free zone, the drone of air tours flying around the perimeters of these areas intrudes several miles within on all sides.

The result: It is still almost impossible to find a location within Grand Canyon where the sound of aircraft won't reach you. Of course, the air tour industry argued in 1987 that there was no problem, just as they argue today that the problem has been solved. Neither is really true. The industry claims that substantial restoration of natural quiet at Grand Canyon has been achieved because the number of complaints about aircraft noise has gone down.

While the Park Service and the Congress should feel encouraged by the progress that has been made as a result of this first try, the standard of natural quiet still hasn't been met in most of the park. It is important to note that one-third of the back country visitors surveyed by the Park Service still thought there was a problem with aircraft noise.

These are the people who have worked the hardest and have spent the most time trying to get away from mechanized noise, yet have the most difficulty finding a truly quiet spot even in the vastness of the Grand Canyon.

The Sierra Club recognizes that the Grand Canyon is the model within the Park Service for addressing noise issues. Our appraisal so far leads us to make the following recommendations.

First, other park system units need formal recognition of the value of natural quiet, as provided by the 1987 act for the Grand Canyon National Park, and should develop plans to restore natural quiet where appropriate.

The Park Service needs to be able to restrict or simply ban air tours to the degree necessary to protect a park unit's natural quiet. Most parks are smaller and have fewer air tours than the Grand Canyon. So preventing problems from getting started should be easier than efforts to correct them where we have problems sufficient as Grand Canyon.

Any aircraft management plan should recognize that the only truly effective way to restore and protect natural quiet is to require large, flight-free or, even more to the point, noise-free zones. Where aircraft remain, those who use the airspace regularly such as commercial air tours should be using the quietest aircraft available.

Limits on the number of air tours over national parks where air tours are allowed to remain should be regulated by the Park Service, just as limitations on every other park activity exist to protect the resources for all.

And finally, the best way to address both safety and natural quiet issues is to limit the number of aircraft flying. The quietest and safest skies have no aircraft at all.

Thank you.

Mr. OBERSTAR. Thank you, Mr. McCloskey.

I think we will round out the Hawaii contingent here. Mr. Stokes, President for Citizens Against Noise of Hawaii.

Mr. STOKES. Good afternoon, Chairman Oberstar. Thank you so much for making the Hawaii citizens delegation feel so welcome here. You have given us an opportunity to feel at home, and we thank you for that opportunity.

My name is Barry Stokes. As you have said, I am President of Citizens Against Noise. We are a Statewide organization across the State of Hawaii. We are also a member of the Hawaii Citizens Coalition on Tour Aircraft, which has asked the Sierra Club Legal Defense Fund, represented by our attorney here, Denise Antolini, to file a performat petition with the FAA on behalf of 13 environmental and community groups Statewide.

These groups represent up to 10,000 members in the State of Hawaii. I have been a member of the State Helicopter and Tour Aircraft Advisory Council since 1986. So this goes back for a while, and that is why I presented all these documents before you.

I have also been a member of the technical advisory committee for the State helicopter system plan, and that series of meetings began as early as 1988. For four years I was helicopter safety coordinator for the U.S. Geological Survey, Hawaii Volcano, where I was employed from 1991 to 1992.

I am a member of the Sierra Club, and proud that they are represented here so well today, the Conservation Council of Hawaii, the Tour Aircraft Control Coalition and the Hawaii Coalition of Conservation Voters.

In the past several years I have been witness to an aviation management crisis over our national parks in Hawaii. We are very pleased you are here to listen to our concerns.

The FAA, which presently maintains sole authority over United States airspace, merely advises pilots to maintain a 2,000 foot altitude. This altitude is routinely ignored.

Visitors from around the world visit Hawaii's national parks because Hawaii Volcanoes and Haleakala are both world biosphere reserves. These are special, unique systems in the National Park System. These parks are home to many endangered plants and animals which exist nowhere else in the world. They also offer solitude, peace and quiet, an extremely valuable resource that we are losing around the world every day.

These parks have also been set aside because each unit possesses some rare quality that is worthy of preservation in its pristine state. However, it is no longer possible to find that solitude. We indeed have unregulated aircraft overflights and they are creating significant conflicts between different users of our national parks, as you have already heard.

Citizens Against Noise is astonished at the increasing lack of sensitivity and arrogance displayed by the air tour operators, their pilots and their professionally paid lobbyists. They care little about the sonic impact upon persons on the ground. The industry's belligerent attitude in Hawaii and narrow view of the problem has resulted in enormous stress to both our resident and visitor populations, and that is why we have raised \$7,500 to come back here and tell you this story.

The attitude has brought on a hatred, a hatred of this industry across the islands, and I am really sorry to report that because we are the land of aloha, and aloha means love and welcome. We have none for this industry any longer.

I have brought back with me 800 individual pieces of media on this issue that I have collected since 1987. Over the years I have attended dozens of hearings at the State and county level on the issue of aircraft control over national parks, only to be told that Federal airspace control is indeed a Federal issue.

I attended the recent FAA hearings in January 1994 on two of the four major islands where I repeatedly heard citizens asking for airborne relief from tour aircraft over their homes, workplaces and park lands. Mr. Hal Berger, Mr. Brian Calendine and other distinguished members of the FAA were present at those hearings, and can corroborate this testimony.

I have before me copies of the transcripts of those hearings, documenting hundreds of persons who testified before the FAA that the Federal Aviation Regulations for tour aircraft are sorely lacking in our State.

Chairman Oberstar, I delivered to you letters of support from two members of the Hawaii County Council in support of the bills you are hearing today. I also submit to you two copies of resolutions unanimously passed by our Hawaii County Council, both to support the petition to the Federal Aviation Administration.

Our Hawaii—

Mr. OBERSTAR. We will put those documents in the record.

Mr. STOKES. Thank you, I appreciate that.

The Hawaii State Senate also passed Senate Concurrent Resolution 115. This is in support of the Sierra Club Legal Defense Fund petition to the FAA.

And also the Hawaii State Democratic Party just passed a resolution last May asking for stricter controls on the growth and activity of aircraft in our State.

Hawaii has attempted to address the issues of management and growth of the tour aircraft industry via the State Department of Transportation, Air Force Division. And in 1989, after a lengthy and expensive consultation process, came up with the State helicopter system plan, which is three volumes thick. I just have two here today.

Over the years since 1989, we have introduced over 80 pieces of legislation, all defeated by the well-financed tour helicopter industry.

Chairman Oberstar, we ask for you to legislate stricter controls of the air tour industry, both for noise reduction and for the safety of our visitors and residents. We therefore ask you to support Congresswoman Patsy Mink's H.R. 1696 and Representative Williams's H.R. 4163.

Given the evidence of public outrage, we ask that you move immediately if possible to enact Special Federal Aviation Regulations. Until further regulations are possible to prevent more drowning deaths, we ask that you instantly add a provision for inflatable pontoons on all tour aircraft operating in the State of Hawaii.

We ask that all air tour traffic to the national parks be routed over sea routes once those inflatable pontoons are installed. This

would reduce the noise impacts on residential areas which lie beneath the flyways on the way to national parks. It would require such flights be one mile offshore at an altitude 6,000 feet above sea level.

Finally, we ask that the FAA install the noise abatement performance evaluation system. This is technology that would track violations of these flight rules.

And finally, we ask that you mandate overflights of residential areas, regardless of population density, be conducted at no less than 8,000 feet above ground level.

Chairman Oberstar and Members of the committee, the time has come to halt the needless despoilment of our homes, recreation areas and national parks by the noise pollution of air tour profiteers. We ask that you respond to the will of the people.

We know you have it in your power to restore peaceful skies and peaceful parks to your constituents. I trust your sense of higher purpose will see the good sense of these recommendations.

We thank you very much for this opportunity to comment.

Mr. OBERSTAR. Thank you for your testimony, Mr. Stokes, for being here with us throughout this very long day.

Mr. Paul Asmus, helicopter tour operator at one time.

Mr. ASMUS. Yes. Thank you, Mr. Chairman and Members for allowing me to appear before you today. I am going to try to cut this short. I can appreciate your tight schedule.

Just a little background on myself. I owned and operated a helicopter tour company in Hawaii. I first started working in the industry over 20 years ago. And about 10 years ago this issue became quite—quite came to a head, and so I became involved in trying to find a way to resolve this so that we could avoid ultimately ending up in front of you here today, but unfortunately it hasn't seemed to have been successful.

I wanted to just read to you a few parts of my testimony here, which I understand will be included in the entirety.

Mr. Chairman, Members of the subcommittee, thank you for the opportunity to speak with you today on House Bill 1626 and 4163. Both of these bills are an attempt to address a growing problem in our national parks and in my opinion our national airspace.

The problem is partially in the number of aircraft using the airspace over the United States. Since the Federal Government began to regulate the airspace with the Air Commerce Act of 1926, the number of registered aircraft has grown from 2700 to over 276,000 in 1992. This increase in aircraft is the root cause of the noise problems today.

The population of the country has grown and spread into many areas, which has led to these confrontations. The helicopter tour industry in Hawaii began during the 1960s but its major popularity and exposure in the 1980s led to its explosive growth.

The result is that it has had a major impact for people looking for a different experience in nature or just living nearby in their homes. Although these bills are directed towards dealing with tour aircraft over the national parks, a greater long-term problem lies not only with these aircraft but with others outside the park system.

Another area I would like to really discuss today is the safety angle and how it affect the air tour industry and relates to the noise. The Federal Aviation Act of 1958 was enacted in an expedited fashion due to several high-profile accidents. One ironically was the mid-air collision of two airlines over the Grand Canyon in 1956.

This 1958 law was essentially the same as the 1938 Civil Aeronautics Act except that it transferrèd safety rulemaking authority to the FAA. The problem we have today is that the FAA has not been able to effectively deal with the expanding air tour industry. This is supposedly because they are understaffed.

I recall reading this conclusion from the NTSB in its reports on several high-profile accidents in Hawaii. In speaking to the FAA, they have used this same justification and explained their lack of aggressiveness in dealing with my own similar concerns. I was a Part 135 operator in Hawaii.

In the report from the NTSB published last year, the agency cites the need for the FAA to perform a special study to relate to the air tour industry. I concur on that. I have found nothing to show that this has even been done. But I think it is something that should be looked into.

One area which I won't get into too deeply here has to do with a problem that is plaguing the helicopter industry in Hawaii financially, and in a sense is creating a real serious safety problem, one that they won't fess up to, but that has to do with an issue where the customers come from, and the hotel activities desks, and the high commissions that are paid back or, in a sense, I call extorted from the operators.

The industry is paying 25 to 30 percent rebates or discounts or commissions back to these desks for these customers. If they don't pay it, they don't get the business, literally, because there are so many of these desks, and they are everywhere, they have popped up all over the place.

And what this has done is force the industry, and because there are so many companies, air tour companies competing, it forces them to, sort of like the airlines where they have discounted seats, fly here, \$45, you can fly to Florida, well, on top of that, the industry is giving commissions, so there is very little left over for profit, if any at all. What this forces industry to do is to cut corners.

And they are doing this in maintenance and certain equipment on their aircraft. I will cite an example.

Some operators will resort to overflight mandatory overhauls and time life components by pulling the hour meter circuit breaker on their aircrafts, disabling it. The hour meter keeps track of the flight hours on the aircraft that in turn are used to determine when inspections are required. Strict monitoring of flight time is required by the FAA but it is entirely voluntary.

Disabling the hour meter does not prevent the aircraft from flying, but it prevents the honest operator from being competitive and puts the passenger's lives in jeopardy.

This is a graphic example of what the lack of sufficient revenue creates. It is an act of desperation for some operators. It also prevents them from buying new aircraft and equipping them with emergency floats or larger engines needed for high-altitude flying.

An additional problem caused by this dilemma is that it forces the operator to fly in almost all weather conditions, all hours of the day and of the week. The result, of course, is more accidents and noise complaints. This is because they have to fly lower in bad weather to see the ground for navigation and also so they won't fly into a mountain.

When this issue was brought to the attention of the FAA by myself in the past, they looked at it as an operator complaining just to hurt his competitors. The recent accident in Hawaii where some people drowned is a perfect example of what I warned the FAA about years ago.

I would like to outline some suggestions and then that will close my testimony. Based on my experience that this issue is such a large one that just isn't going to go away, I thought that consideration of an establishment of a national airspace commission similar to the one set up for the airline industry last year, its mandate would be to review the existing Federal Aviation Act to see that it is updated pertaining to airspace for all users. It has been 56 years since originally established. Except for modifications on safety and deregulation, the basic access issues are still the same. This commission would report back to Congress within six months of go ahead with the report.

Two, the FAA and NTSB require a national air tour permit of all air tour operators. This would be issued only if the operator met all prerequisites for precertification. This could include certain routes, altitudes, safety and aircraft noise reduction equipment. A yearly fee would be paid to the Federal Government to help defray some of the costs of administering this program. If an operator were found violating their permit it would be revoked, thereby shutting them down until they are once again in compliance. Existing Federal air regulations could be modified to reflect this new standard.

Next item, consider making NTSB regulations mandatory on the FAA. I am sure this has been brought up before. But I submitted an article in my testimony that highlights excellent recommendations made by the NTSB pertaining to safety and operation requirements for tour operators. If they had been implemented, recent accidents would have possibly been avoided.

And lastly, hold a congressional hearing on the FAA's role into whether or not it actively investigated the industry for gross violations of the Federal air regulations in Hawaii.

Additionally, that it investigate the issue of commissions paid to booking services and its impact on safety for the tour industry.

I support both the Congress and Clinton administration's efforts to take some action on this very important matter. I also applaud the present FAA Administrator's recent aggressive movements in Hawaii to rectify the past mistakes. I want to again thank you for the opportunity to speak with you today.

One last thing I would like to say is I don't want to hurt the industry. I think this is something that will actually help them. I think that it really—you know, it is a good industry, it provides benefits, but it is kind of out of control right now. I think it needs some looking into.

Thank you.



Mr. OBERSTAR. Thank you very much, Mr. Asmus.

And next is Mr. Charles Kauluwehi Maxwell. Did I get that right?

Mr. MAXWELL. No, Mr. Chairman, not even they got it right. It is Kauluwehi.

Mr. OBERSTAR. I can say that.

Mr. MAXWELL. Hello, Mr. Chairman, my name is Charles Kauluwehi Maxwell, Sr. I am a native Hawaiian and reside on the Island of Maui, the place of my birth. I am here as a Hawaiian cultural specialist, a kupuna, who is an elder and a practitioner of the Hawaiian spiritual values. I am also a retired, disabled-in-the-line-of-duty police officer for the County of Maui for 15 years.

With no objections, Mr. Chairman, I would like to perform a chant which basically asks for a spiritual assistance, guidance, and energy from the gods. The translation has been submitted. Is that all right, Mr. Chairman?

Mr. OBERSTAR. Yes, it certainly is.

[Witness chants.]

Mr. MAXWELL. Thank you, Mr. Chairman.

Mr. OBERSTAR. We could use one of those blessings every day.

Mr. MAXWELL. As a Hawaiian spiritual leader, I regularly take our hula students into the forest or ocean to teach them how our ancestors respected the plants and animals and used nature to teach the motions of the dance. The chant and hula were used by my ancestors to record the important events of the past because they had no written language.

There are numerous styles of hula and olapa, the ancient style, when performed calling for reverence, as the dance represents. It represents—it mimics, actually, the animals, the fish, the snails, and we take our children off into the forest to teach them how the motions of the birds fly.

As you know, the hula is our description of what happened in the past. On many occasions, we have been in the forest and our ancestors teach us to be very quiet when we go to the forest to watch these birds. There is even a snail that we call kahuli aku. We have a chant about it, and a certain way it turns to the wind. It creates a singing sensation, a sound that it can be only heard under extreme quietness.

On many occasions we have been in the forest where you have the helicopters flying right over the treetops, shaking everything in sight, the birds flying everywhere, and you are immediately brought back to the realization that you are in the 20th Century.

This intrusion also happens in the different national parks on the Island of Hawaii. Just recently last year, year before last, excuse me, we were at the Male'ma'uma'u crater and we were allowed to go down to Waahula, to Kalapana where the lava is entering the ocean. It is quite a spectacle to see the red lava going into the water and the plumes of steam coming up as it enters the water.

Well, the former Mr. Hugo Hunsinger from the Volcanoes National Park gave us permission to go on to the fresh lava because Pele is the goddess of the volcanoes. So we did a ritual to her down at Waahula at Kalapana.

As our girls were dancing on the lava and the steam was coming out as it entered into the ocean. It was a very dramatic feeling for the Hawaiian people. Yet we had three helicopters hovering around us, and we tried to motion them to get away, but they had a lot of tourists on board taking pictures of us.

So this is just one incident of many incidents that are happening in the park. And I would like to read one portion because I think it is very crucial if I do, and I am trying to cut my testimony so that we will all leave, and I can go back to Hawaii.

If you ever have the chance to visit Haleakala Crater, Mr. Chairman, by foot, not by air, you will agree there is no other place in the world like it. The only other place that it resembles, the inside of Haleakala, is the moon. Imagine yourself in the bottom of a bowl 3,000 feet deep and this bowl is 21 miles in diameter, seven and a half miles long and three and a half miles wide, and in each direction you look up, there are towering cinder cones going 1,000 feet high.

The most amazing thing is to experience the overpowering quietness of your surroundings, a true sense of being with the elements of nature. Then there is a far-off sound from the blades of the helicopters cutting the thin air above the crater and in seconds it becomes thunderous. The noise wrenches you back to this mechanical world and its disturbances.

But despite Haleakala's tar and cinder cones, an awesome spectacle, it must be borne in mind that as national parks go it is a very, very small place, a mere 28,000 acres, which makes it the fourth smallest park in the Nation. The average national park is approximately 1 million acres, and the Haleakala National Park is only one 35th that size.

Helicopters anywhere near a park of this dimension can not help but have a devastating sonic impact upon it.

I strongly recommend that in addition to formally banning overflights of this park, a five-mile-wide no-flight buffer zone be established around the entire parameter of this park. Only then will it be restored to its original condition, and the values embodied there be protected and preserved.

Restrictions also have to be adopted to eliminate aircraft, fixed-wing and helicopters from flying over or even near areas that are national parks, rain forests known to contain endangered biota, areas used by my people for spiritual and cultural purposes, natural reserves and other noise sensitive areas.

I encourage any legislation that would accomplish all of the above recommendations. Thank you for giving me, and through me, the Hawaiian people, the opportunity to express our concerns for this matter.

Mahalo a nui loa kakou. Thank you very much.

Mr. OBERSTAR. I can't repeat that. Thank you very much, Mr. Kauluwehi.

Rarely have we been treated to poetry in this committee and to a blessing of that kind. I was very touched when I read that last night.

Now, Denise Antolini.

Ms. ANTOLINI. Thank you, Mr. Chairman. My name is Denise Antolini. I am the managing attorney of the Sierra Club Legal De-

fense Fund office in Honolulu. The Legal Defense Fund is a national, nonprofit law firm that represents citizens groups on environmental issues, primarily in the courts.

I am here today representing 13 organizations in Hawaii. We couldn't up enough money to represent all 13 so only these were able to come. They are listed in my testimony. In addition to those groups, we are also here today to speak on behalf of those who have no voice, the endangered forest birds of Hawaii and the sacred sites, who cannot appear before you and appeal to your generosity and to your fortitude in resolving this problem.

Mr. Chairman, as I am sure you well appreciate, there must be a crisis when people turn to lawyers for a solution. And we have been appealed to repeatedly by citizens groups in Hawaii to try to take legal action to solve this problem. Let me highlight two of the legal actions we have taken that would be of interest to your subcommittee.

First, we have filed a formal petition with the Federal Aviation Administration asking for comprehensive regulations on tour aircraft overflights in the State of Hawaii. Some of those regulatory reforms, I am very encouraged to see, are being adopted in the emergency rulemaking that is being put forth by the FAA.

We are glad to see movement but we are very, very saddened that it took mid-collisions and two—so difficult to talk about the safety incidents because they really drive the point home in a very sad way. There were two, as you know, aircraft or helicopter crashes about a week and a half ago during which three lives were lost. The loss of life was totally unnecessary, and we would continue to urge the FAA to move quickly before more lives are lost.

Let me speak briefly now about the second legal action that we have taken to try to push this process along. On April 2, we notified Secretary of the Interior Bruce Babbitt that we would sue the Department of Interior if they didn't get the national park study out in time. In response, I got a very nice letter back from Mr. Finley on May 18 where he said that we should be pleased to hear that the study is being edited and revised, and should be submitted to Congress perhaps as early as July.

Well, the clock is ticking. And they also mention in this letter back to us that an executive summary should be ready in June.

Mr. Chairman, we have waited very, very long for that park study to come out. On August 18 it will be four years overdue. We have been very encouraged to hear from the working group that their deadline for getting it out from the National Park Service is September 12.

I want to tell everyone here today that if it is not out on September 12, we will see them in court on September 13. We have waited too long for this report. It is too important. It is holding up important legislation. And it is holding up a real solution to this problem.

Let me just conclude, Mr. Chairman, by mentioning the fact that the 13 citizens groups that I represent fully and wholeheartedly support Congresswoman Patsy Mink's legislation. As Senator Akaka stated this morning in his testimony, only legislation can produce lasting effective resolution of this matter.

The crisis in Hawaii is acute. Our parks are very small, and the legislation that has been introduced by Congresswoman Mink is fully supported by Representative Abercrombie. For Hawaii the solution, in our view, is a legislative one. We have waited much too long.

Let me conclude by saying that while we applaud the progress made on the regulatory process, the advance notice of proposed rulemaking and the efforts of the working group, we will closely monitor those efforts because they are so late in the game.

It is only recently, for example, that FAA has realized that had it has not only the authority to regulate for noise, but a mandatory duty under the enabling legislation, and that is cited at 49 U.S. Code 1431. They have a mandatory duty to prescribe and amend such regulations as the FAA may find necessary to provide for the control and abatement of aircraft noise and sonic boom.

For too long the FAA has said its only mandate is to protect citizens for safety. But they have a dual mandate to protect us from the noise of aircraft flights.

With that, Mr. Chairman, let me conclude my testimony, and again express our deep appreciation for your holding this hearing, and I would like to reiterate the invitation that you come to Hawaii to experience the real Hawaii and not from a helicopter.

Mr. OBERSTAR. Thank you very much.

I certainly would look forward a visit to Hawaii, under other conditions.

Mr. Karl Gawell.

Mr. Coppersmith will take the Chair while I go vote.

Mr. GAWELL. Thank you, Mr. Chairman. I appreciate the opportunity to submit testimony on behalf of the Wilderness Society. Rather than reading through my statement, I will try to make a couple of points of context that I think are relevant given the testimony we have had so far today.

First I think it is important to put overflights as a park issue in context. This is not the only problem the parks are facing. In fact, as we sit here, both of the largest circulation news magazines in the country, Newsweek and Time have run articles, if can I submit them to you.

Time magazine has a major article talking about the parks being overrun by visitors and blighted by development. Newsweek, August 1, the issue just out, has an article entitled, "No Room, No Rest, Crowds in Conflict."

What we are seeing throughout the park system, not just in Hawaii and the Grand Canyon, is growing conflict between competing uses. Competing uses, many of which are recreational, scenic, and we at the Wilderness Society are often in the middle of these. I was going to mention to the Chairman, his background in Minnesota with both boundary waters and voyagers, I know he has had experience with recreational conflicts as well.

Within the context of overflights and the Park Service rulemaking, this is a part of a growing problem the parks are facing. And it is one which we have to address if we are going to have parks which will have a legacy preserved for the future.

Second, I wanted to comment on not just the issue as it relates to the parks but the context of looking at overflights. Earlier many

people had said, first, it is an issue of balance. I think you have heard from some of the testimony here that it is not just a question of balance. Sometimes when you are talking about whether you are backpacking in a remote area for a wilderness experience or allowing a low-level helicopter overflight, it is a zero-sum game. You can have one or the other but you are not going to have both.

Second, we have heard about the issue of economics. We have to consider the air tour industry's economics. I think we also have to consider the fact that parks themselves are economic centers, and we have to add into the equation the long-term and short-term needs to preserve the legacies of the parks.

We have heard a lot about the right to access. I think we also have to balance that with the Park Service's obligation to be a responsible steward of the parks.

And I would like to note that the Park Service is not exempt from the Americans with Disabilities Act. Frankly, the Grand Canyon and many other parks are much more observable by disabled individuals, elderly individuals, from many points, in much more endearing ways, than from a 10-minute airplane ride or helicopter ride.

In conclusion, I want to offer my own feeling that the Park Service and the FAA, for the Wilderness Society, have started what we consider to be a very optimistic, very positive attempt to move forward with the rulemaking. As our comments say, we believe they have the legal authority, and we have been encouraging the Park Service for, according to our records at least, 30 years to assert its legal authority. In fact, I mentioned to someone from the Park Service, it is my belief, looking at our files, that if the Park Service would move forward, that the FAA would move with them, and really it is an issue of asserting their obligations of their rights to protect the parks.

I want to make it clear to begin with, and maybe this will help resolve some of the conflicts as we move into rulemaking or hopefully not years of legislation, the title of this hearing is right. It is air tours. We are not talking about general aviation. We are not talking about scheduled commercial air flights. That is not our concern.

Leaving aside the issue of military overflights, which I believe you agree with a separate issue here for this subcommittee, air tours is the primary issue and the issue which is seeing explosive growth and major intrusion in the parks. We would like to see the Park Service and the FAA move forward to begin to restrict the impacts air flights are having by regulating them where they exist and by restricting or prohibiting them in parks where they currently are not in existence.

Thank you, Mr. Chairman.

Mr. COPPERSMITH [presiding]. Thank you.

Let me proceed with a couple of questions for this panel. I will do my best to go through. I know a number of questions the real Chairman wanted to ask as well as mine.

Let me just follow up, Mr. Gawell, because you had the honor of going last, and that is to get the views of the rest of the panel as well. Is there objection to transient non-sightseeing flights, private

pilots, or even airline overflights above national parks? Is the issue strictly one you see as air tour operators?

And do you agree with Mr. Gawell or disagree?

Mr. GAWELL. The point, if I can respond, we are trying to get the FAA and Park Service to address is tour overflights for the most part. But having been involved with general aviation, for example, in the northern Rockies, if you are doing a point-to-point flight, you don't go at 1,000 feet above the terrain. First of all, it is too dangerous. There may be an occasional point at which a general aviation pilot will go at lower levels.

But the real problem are the tour overflights who come in at much lower levels. Particularly, helicopter use is growing. You get higher elevations. You are getting much bigger, noisier and potentially more dangerous helicopters. That is the first issue.

I do want to note the second issue the Wilderness Society has concern about is lower-level military overflights which we are seeing expansive use of on the public lands.

Mr. COPPERSMITH. But excepting military overflights, is there consensus on the panel, Mr. McCloskey?

Mr. MCCLOSKEY. Mr. Chairman, we think the ideal and best approach to this problem is, first, recognizing that solitude and natural quiet are paramount features of our national parks system; that we then ought to embark upon an effort to establish noise budgets for the parks to the extent that there is to be some compromise from the natural quiet standard, that there ought to be a noise budget for each park unit. And that would allow—that would establish noise-free zones within the parks, and where those zones do not exist, then there would only be a given amount of allowable noise.

You would look at all sources at that point, whether they be flights of any type or other activities to then allocate noise quotas within the total allowable noise figure.

Now, I quite acknowledge, as others have said, that the principal problem right now are the air tours. But in theory you would look at everything. And being mindful too that there is such a thing as the cone of noise. The higher the flight level is, the broader the area impacted by the noise is, although at a certain elevation you may get beyond hearing it.

But merely establishing minimum flight levels may be counterproductive in some cases. By moving the source or pushing it above a certain level, by pushing the area upward, you impact a broader area.

So we think all of those things have to be thought through, and that instead of regulating in terms of flight-free zones and concepts of that sort, we ought to be talking about areas free of noise.

Mr. VOORHEES. From the perspective of NPCA, I concur that the focus of the issue should be on the issue of noise. Also on the issue of visual intrusion, if we are excepting for the moment the issue of military low-level flight patterns, it is clear that the problem is fixed mostly in the hands of the commercial air tour operators, because their behavior patterns and their flight patterns are very distinct. The very purpose of these operations is to hover and provide the maximum amount of time possible for their patrons to see what they go up there to see.

That is not true if you are considering point-to-point general aviation flights, which are considerably less frequent, and certainly as well as high-flying commercial aviation point to point.

Ms. ANTOLINI. The Hawaii coalition has made very clear through its petition to the FAA that the immediate highest priority need is to address tour aircraft. So our formal position is, yes, tour aircraft are the highest priority without a doubt.

However, during the January hearings when the FAA came out to Hawaii and held hearings on four islands, there was an enormous amount of testimony about other aircraft overflight problems. And the general consensus is, if we can't protect national parks, there is no way we are going to protect these other areas.

So that is the highest priority, tour aircraft are the highest priority, and within that we know that helicopters are the largest problem by far.

Mr. COPPERSMITH. Thank you.

Ms. Gale.

Ms. GALE. Mr. Chairman, I am Julie Gale. I am the Washington Director of Government Affairs for Grand Canyon Trust. Mr. Bracy, our board member, was called to another commitment, and he asked me to fill in for him.

I would agree with the statements of my colleagues in response to your question. The Grand Canyon Trust has a long record of experience with the air tour issue at Grand Canyon. And our position has been all along that, as was said by Mr. Voorhees, the nature of air tour activity in terms of the frequency of overflights and the proximity of flights to visitors and park users on the ground is really the source of most of the problem that the Park Service has in managing its resources to protect the natural quiet of the park.

Mr. COPPERSMITH. Thank you.

One of the most contentious issues of the law appears to be the definition of natural quiet. And how would you define that, and what sort of standard would that mean for rulemaking and policy-making in the process?

Mr. Maxwell.

Mr. MAXWELL. Mr. Chairman, I think the fact that many people go to the national park to receive this natural quietness of it, I think that factor alone, speaking as a native Hawaiian, one who has been into the crater and to all of the different national parks in Hawaii, the feeling that you get of the vastness or the tremendous lava that you see, the Waimea Canyon, the depth of it, and by just listening to the wind and nothing else, no unnatural sound is what everyone wants to experience. And I think this is what we are trying to protect.

Mr. CLARK. There are scientific measures for determining noise levels. There are experts, and I can include in my testimony for you, present today testimony on measuring sound levels on the various scales that are common. And usually what is done and has been done in the community of Puna on the big island where noise has been a contentious issue in regard to geothermal drilling, it is by example a quiet level—is considered to be about 35 decibels during the day and somewhat less at night. An intrusive amount of noise would be somewhere in the range of 5 decibels above that, either day or night.

The State by its own authority allowed 45 decibels during the day as an acceptable amount of noise. That is not in agreement with the community. But I offer that as information as a standard.

The standard can easily be set in any community and in any situation, and will vary.

Mr. VOORHEES. I would like to add or comment that I think it is a dangerous issue to find ourselves falling into an argument of what appropriate decibel levels are. This is an issue in which you can easily understand what natural quiet is when you are there.

Frequently, you don't notice the absence of natural quiet when you are bothered by noise, because we have all been so inured to the cacophony of society which is around us. But I think if you ask park visitors, especially those who go to wilderness areas to seek the solitude, you will get remarkable comments from those visitors, all of whom will tell you, thank God I found it.

Mr. COPPERSMITH. So rather than the scientific standard, it is the standard, "I know it when I hear it"?

Mr. VOORHEES. Clearly there is an amount of subjective judgment that comes in here. It is the job of the Park Service to determine what that appropriate level, I believe, would be. They are the managers of the parks. They are essentially the managers of the solitude.

If we are looking for the higher standard here, to the extent that we are dealing also with specifically designated or managed wilderness areas, I think we can look to the Wilderness Act, which specifies that the lands shall be protected to preserve the primeval nature of those lands, where the imprint of man's work is unnoticed.

I think that clearly is the higher standard. And I do not say that that standard is necessarily the appropriate standard for places, such as the Grand Canyon, which there is a significant industry that has been established. But that clearly is the standard which should be met for wilderness areas and for all other areas, quite frankly, in which there is not an industry which has made inroads into the parks already.

Mr. COPPERSMITH. Let me follow up, that being the case, do you favor a general policy that would apply to overflight over all parks or should the issue be addressed on a case-by-case, park-by-park basis, albeit perhaps with certain categories for wilderness areas as opposed to national parks?

Mr. VOORHEES. I think there should be a construct in which the FAA and the Park Service can make these decisions on a global basis using park-by-park decision-making structures. It is a little of both.

Mr. MCCLOSKEY. To your first question, Mr. Chairman, it seems to me there is a distinction between the definition of natural quiet versus what I had been calling noise budgets. The noise budgets might have a certain allowable decibel level per units of time, but the definition should be an absolute one.

I think it would simply be the absence of human-produced sounds, anthropogenically produced sounds, perhaps some background level of human conversation, where they to be lightly populated in numbers.

But then the question is, when you have a noise budget that departs from that standard, the question is, how far to depart. But



if you have the standard to have already built in a certain noise budget or a compromise amount in it, you are then going to inflate the noise budget.

So your second question, I would agree with what Mr. Voorhees said, that there ought to be a national standard or principle that would guide all action at all the parks, and then a degree of discretion in applying it in each park unit.

Mr. COPPERSMITH. Anyone else, before we go forward?

Mr. Stokes.

Mr. STOKES. Mr. Chairman, this Congress, this body and the Senate and others have decided that certain buildings, for example, should be entirely smoke free. Now, if you decide that one person is allowed to smoke a cigarette instead of 50, you can also then argue that one helicopter should be able to fly in the national parks and 50 should not.

So I think, you know, we should apply the same tactic to our parks. It is just that noise pollution is so ephemeral and difficult to document, it is invisible. It is a form of pollution, however. So can you say it is okay to pollute the park in other ways, for example, littering. If you allow 20 percent of the visitors to the national park to litter half of their goods, human and animal feces, do we allow them to leave this behind? No, we ask them not to. Automobile exhaust, weed seeds, these are all forms of pollution.

So what we are saying is we would like to include the issue of noise pollution in these other forms, and indeed no form of pollution of a national park is acceptable in any amount.

Mr. COPPERSMITH. Ms. Gale.

Ms. GALE. If I may add one point, I think it is important to remember when we consider an absolute standard of noise levels, that we may be misleading ourselves to even refer to natural quiet. Natural places are not necessarily quiet. They can be quite noisy, in fact. If you have ever gone to Thunder River in the Grand Canyon where there are hundreds of thousands of gallons of water pouring out of the face of the cliff every minute, you will know that that is not a quiet place. But I have been there when the sound of Thunder River pouring forth from the cliff was drowned out by the sound of a helicopter hovering a couple of hundred feet off the cliff face.

It is important for us to remember that a place like Thunder River or any of a number of other locales within the Grand Canyon or these other parks have their own truly unique qualities in terms of sound as well as in terms of other features, and that it must be the Park Service that is able to decide what level of protection is required throughout the parks.

And I think in answer to the question, it ought to be done on a park-by-park and perhaps area-by-area basis.

Ms. ANTOLINI. Mr. Chairman, I could just add in response to that earlier question that it shouldn't just be an anthropogenic standard. One of the impacts we are particularly concerned about in Hawaii is impacts on wildlife. We have many, many threatened and endangered forest birds. Forest birds need quiet to communicate for breeding, for other purposes, so that the one particular issue we need to look at is what kind of quiet does wildlife require in order

to thrive, and particularly for the listed species, what kind of quiet do they need to have their habitat restored.

So that is an additional aspect of national quiet that needs to be looked at.

Mr. GAWELL. Mr. Chairman, if I could just add one more note on Mr. Coppersmith's question, I think it would be at a policy level anomalous to start distinguishing vis-a-vis park wilderness between aircraft or mechanized noise from an aircraft, and Mr. Oberstar is well aware of the issues involving snowmobiles, off-road vehicles and others, there it is not the question of the what is the allowable use, the question is the Wilderness Act itself was written specifically with the idea of noise and mechanized use being something which is outside the experience which one has inside that area.

I wish to echo the remarks made before me. It is not just a question, too, of human noise. It is a question of impact from vibration, it is a question of impact upon animals which have audible ranges significantly different than humans do.

Many of us, if you ask us how do we divide up the whole world, what do we do about parks where air tours exist, are hoping that the Park Service, which is responsible for managing these units, is going to help give us some of these answers, where are some of these thresholds, in the park report, which our organizations and others here have asked Congress to instruct them to prepare, which, as has been noted earlier, we still have not received, you still have not received.

But we don't have the resources, the capability to sit down and do the types of studies or surveys which need to be done to give us real answers, not just theoretical answers about noise budgets, but real answers to what levels of noise impacts resources.

Mr. COPPERSMITH. Mr. Chairman, one final parochial question for me as a Representative of Arizona.

Ms. Gale, which of the proposals in the advance notice of proposed rulemaking to restrict and/or regulate flights at national parks is the Grand Canyon Trust supporting? Has the trust taken a position on the various issues that were submitted—as part of the various proposals that were submitted as part of the advanced notice or not?

Ms. GALE. To an extent, yes, the Grand Canyon Trust has. However, I will reiterate that in particular with regard to the request in the ANPRM for comments on the suitability of the Grand Canyon model as it relates to the rest of the park system, we would prefer to withhold our judgment on that until the Park Service report is made public.

We feel very strongly that it is impossible to make an informed judgment on the adequacy of that model for the rest of the park system or even, for that matter, its effectiveness in accomplishing the goal of the Overflights Act until the studies are final and made public.

The Grand Canyon Trust does feel very strongly that it will not be possible to achieve the goal of substantial restoration of natural quiet at the Grand Canyon without an ability to limit the number of overflights that fly over the Grand Canyon. We have heard testimony from the Park Service today that stated that whatever gains

have been made through SFAR 50-2 have been eliminated just by the increase in sheer number of flights since the act was passed, basically a doubling.

And so we strongly recommend that the Park Service be able to place limits on the number of aircraft in order to achieve that goal.

Mr. COPPERSMITH. Thank you.

Mr. Chairman, I assume the record will be kept open for additional questions for the panels?

Mr. OBERSTAR [presiding]. Yes, any additional questions Members may wish to ask may be submitted and referred to the witnesses.

Mr. Ehlers.

Mr. EHLERS. Thank you, Mr. Chairman.

Just a question for clarification—and I am sorry, if this was answered before I got here, don't bother answering it. But if we were to pass legislation banning the flights, I assume you would still be willing to allow emergency flights in, correct? No objection to that?

What about flights for the purpose of photography, for cinematography, for travel films, travelogues, would you consider that permissible? Anyone wish to—Mr. Clark?

Mr. CLARK. I would choose to have that option available on the discretion of the park manager. I wouldn't want to make a blanket prescription for that, but I think the park manager should have the option to permit that as the occasion arose and as he felt appropriate.

And I think the people to answer that question are here today, and I would be happy if Mr. Dan Taylor of Volcanoes National Park, for instance, would weigh in with his answer on that question.

Mr. EHLERS. We can check with him later.

Ms. Gale.

Ms. GALE. If I may, I would agree with Mr. Clark that that—we would not oppose that. It ought to be at the discretion of the park superintendents. However, I think your question raises an interesting point which, if you don't mind if I digress momentarily, I would like to make, which is that commercial filmers who would film national parks from the air, Grand Canyon, I believe in Hawaii, I know certainly at Zion National Park and elsewhere on the Colorado plateau, are required to obtain a filming permit from the park. It is not related to their permission to fly over the park in terms of the airspace rules, but they obtain a commercial permit from the park to take footage from which they will obtain financial gain.

You are well aware, I am sure, that other commercial uses of the parks are regulated, managed by the Park Service under the Concessions Policy Act. That is not true for air tours.

They are the only commercial use of the park that is not subject to limits on their use by the Park Service in order to protect park resources.

Mr. MAXWELL. Mr. Ehlers, on Maui and Haleakala National Park, the park themselves services the cabins within the park with firewood from helicopters once or twice a week—once in two weeks. So we are not, you know, against that, because it is not a continuous kind of intrusion on the park.

Also, there is rescue in the park that we are not against. Only the regular, routine flights.

Mr. STOKES. Representative, I would like to echo Mr. Paul Asmus's comments about a national air tour permit system. I think this could be easily solved through a special permitting process. An operator would be given the right to take a tour flight or a flight for the sole purpose of photography.

Also, just as an interesting side note, Pappillon Helicopters also owns the IMAX Theater, which I don't know if you have one of these in Washington, and one of the most remarkable experiences is you are taking on a helicopter ride through the visual image. And we say, what better way to view our national park. You can get the same experience as you do from the air, and yet you have no hazard to your passengers and no noise impact on the park.

Mr. EHLERS. Perhaps a little less noise, although the movie theater noise is competitive many times, too. While you are here you might want to go to the Smithsonian and view the IMAX screen.

One other observation I was just going to make. I used to do a lot of camping before I got into politics. Once I started working 90 hours a week, I didn't have much time for it, because I found the most distressing noise occurred at 11:00 p.m. The noise that bothered me most was the sonic booms in Death Valley which I found very disruptive.

But I don't think we are planning to address that today, are we, Mr. Chairman? No.

Thank you very much.

Mr. OBERSTAR. Thank you, Mr. Ehlers.

Mr. McCloskey, are there other—we have focused pretty much on Grand Canyon and Hawaii—are there other park areas, wilderness areas, national forests, that have sensitive areas within them such as old growth segments in which there are overflights and where there are concerns? We have heard a little bit about Glacier National Park today, but are there other areas where the Sierra Club has concerns?

Mr. McCLOSKEY. Well, yes, Mr. Chairman. There is a long history of concerns arising out of the impacts of overflights in wilderness areas administered by the Forest Service and the Bureau of Land Management. I know in the Sierra Nevada Range in California this has been a problem over the years.

It turns out they are not so much air tours but often Air National Guard units operating there. And there have been efforts to expand some of their operations. There are controversies in southwest Idaho now over expansions of some of the Air Force's Mountain Home Air Force Base and their operations.

And these are not—nothing to do with any ground operations. They are entirely overflight questions and noise and wilderness impact questions. So there may not be within the framework of what you are primarily addressing today, but the question of the acoustical impact of overflights is a generic one.

Mr. VOORHEES. Mr. Chairman, I provided as part of MPCA's testimony, a compilation of the research that we have done identifying 130 individual park units in the National Park System from National Park Service documents where overflights are a documented problem. So fully one-third of the parks are affected.

Mr. GAWELL. Mr. Chairman, one of our concerns, and this is echoed in several of the comments of the FAA, the focus of the legislation has been the Grand Canyon for many years, but if you had the opportunity to come to the 75th anniversary in the Grand Canyon, we could also take to you other parks and you will see the air tour is expanding throughout the plateau in other parks and wilderness areas.

I was out there two years ago and had the wonderful experience of being overflowed at a fairly low level by a series of helicopters. It is, as Mr. Voorhees notes, it is an expanding problem throughout the parks in terms of the air tour industry and its impact.

Mr. OBERSTAR. At times—and I haven't been to Grand Canyon so I don't have the experience—but is it possible that there are times of the day when, absent helicopters and other overflights, there are tour groups that are of such large numbers that you get a noise just from them?

Mr. GAWELL. Basically what you are asking is, does everything else in the park bring with it noise? I would say automobiles, for example, in the park have tremendous noise impact. My testimony notes the Park Service in fact has done a good job of trying to limit noise impacts from automobiles, railroads, other visitors, absolutely.

Mr. OBERSTAR. Are the grand tours within the Grand Canyon limited in numbers of people per party?

Ms. GALE. I would defer to Mr. Evison who is still here, I believe, the superintendent.

Mr. OBERSTAR. Mr. Superintendent—

Mr. EVISON. Yes, Mr. Chairman, in the back country, the size of the parties is limited. In the front country it isn't, and of course you do have a number of other noise intrusions in those areas. The general management plan now being developed by the park will have in its preferred alternative proposals that will substantially reduce the impact of many of those noise sources.

Mr. OBERSTAR. What is the party size limitation in the back country?

Mr. EVISON. It is eight, a party of eight.

Mr. OBERSTAR. To designated campsites or can they camp anywhere?

Mr. EVISON. It varies with the part of the back country.

Mr. OBERSTAR. In the area I know so well, my own district, northern Minnesota, the Boundary Waters Canoe Area, the new regulations limit party size to nine, three in a canoe, no more than three canoes, and only in designated campsites, and only so many people per entry point. Otherwise, you get large parties of canoes and at times it looks like a war under way, with canoes out there paddling and people talking and bringing their radios in, and if an aircraft intrudes upon your solitude, try a boom-box.

Mr. EVISON. You are absolutely right, Mr. Chairman. And one of the things that it seems to me isn't very well understood is that many people have no conception of what the basic notion of natural quiet is. It is so beyond their typical experience that they don't even know what to look for.

What this experience is, it is almost like the two guys that come out of a tavern after a long night. One of them says, What is that

strange smell? The other says, That is fresh air. They hear it and it is almost disconcerting. Once they understand what it is and begin seeking it, it is another matter.

And I think some of the same people who might have told you 30 years ago that a smoke-filled room was not a problem would certainly tell you something different today. I think you will see that same change with a growing recognition of the value of natural quiet over the future.

Mr. OBERSTAR. Thank you.

There will be arguments advanced by elderly, handicapped people that to ban visitation of a park by air is a denial to them of an opportunity to see some of America's treasures, that without some mechanized access such as a helicopter or a fixed-wing aircraft, they will not be able to visit the park. What are your views on the access to parks by handicapped and elderly?

Mr. MAXWELL. Mr. Chairman, I am handicapped myself, and my philosophy in looking at it, what percentage of handicapped people can afford a helicopter ride, you know, to see these natural areas? A lot of them are below poverty. A lot of them don't make the kind of money to spend, you know, on a flight over the national parks. I know on Maui.

But there are many ways to experience, and I speak for Haleakala crater, by going in a wheelchair, we have an area where you can go right up to the rim. You cannot go down 3,000 feet into the crater but you can experience that same sensation that one has from the rim.

Mr. OBERSTAR. Thank you.

Ms. Gale.

Ms. GALE. First, I would like to reiterate that the Grand Canyon Trust does not advocate banning tour flights over the Grand Canyon. We do advocate reducing the number of those flights.

To the extent that that would cause some people not to be able to view the canyon from the air, I would assert that there are a multitude of locations along the south rim of the Grand Canyon, the north rim as well, where one can go if one is confined to a wheelchair or otherwise cannot walk into the canyon or see the canyon any other way, and have a fine, quiet experience of what it is like to sit on the edge of a canyon that is a mile deep and in places 10 miles wide.

There is within a few feet of a shuttle bus stop at the end of the south rim of the Grand Canyon a paved trail which extends for several miles along that portion of the rim, and within a few hundred yards of that shuttle bus stop one can get to a place and sit quietly on the rim and see relatively few people and experience relative quiet or relative natural sound, I should say.

And I would maintain that that is as valid, if not more valuable an experience of the Grand Canyon than flying over it.

Mr. OBERSTAR. Thank you.

In the Boundary Waters Canoe Area, we reached a compromise with a disabled veterans organization that acquired some property that had been condemned by the Forest Service on the edge of, outside of the BWCA, where disabled veterans could visit with wheelchair access to the cabins on the grounds and to the boat access, and motor boats that were fitted out—so it went to the edge of but

did not get into the wilderness. You can't go into the wilderness with a wheelchair. There is just no way you can do it. But that is a unique situation.

But going back to the testimony of the Park Service and the FAA, it seems that the elements of a compromise or an approach to a solution are flight-free zones, restrictions on altitude, flight-free periods of the day, a noise budget for the area or for the area of impact, and, in the longer term, emphasis on quiet aircraft technology. Are those elements that you would like to comment on?

Mr. GAWELL. I would like to add, I think that—and I know a number of park superintendents would like to see it added, in some of the parks, particularly the higher elevation parks where there currently is not a tour industry, they would also like to have it on the table that there be some frank flight-free parks. But again, on a case-by-case basis, it ought to be part of the mix.

Mr. OBERSTAR. Mr. McCloskey.

Mr. MCCLOSKEY. Mr. Chairman, I agree with substantially what you said, except for the idea of flight-free zones. We would substitute or suggest the idea of noise-free zones and noise-free parks, because we have learned that the area that is free of flights still may have lots of intruding noise from flights in the adjacent corridors. And so to be sure about what you are really planning to achieve, we think the idea of noise-free zones is much more valid.

Mr. OBERSTAR. I think the FAA had a noise free concept in their position paper as well.

Ms. Gale.

Ms. GALE. I would concur with what my colleagues have said before me. The only thing I might add is related to my previous statements that I think limits on the number of flights, which is part of a noise budget but it is subtly different, I think would be an important component as well.

Mr. OBERSTAR. Mr. Clark.

Mr. CLARK. Yes, I would like to mention that as a pilot I have been over this entire country at all kinds of altitudes. As a military pilot, sometimes at very low altitudes. There is hardly any experience quite like it. However, I must say that in terms of appreciation of park land, I have never found the experience in the air as satisfying as the experience on the ground. The perspective is entirely different.

And in order to understand the vastness of the space, you may have to get well above it. But at the same time, from that distant perspective, you also diminish the apparent size. And it is all relative. Every bit of it.

You can find the same perspective and appreciate it more quietly and more accessibly by finding the road that carries you to the point that gives you that perspective. I found, for instance, in Yosemite National Park, which has been a boyhood stomping ground of mine for many, many years, that throughout that area, there are perspective overlooks which give you the satisfying view without the interference of the helicopter or the annoyance of artificial noise, and you can sit and you can contemplate and you can be aware of your environment without the conflict of mechanical noise.

I wish to also bring forward that there are other disabilities which are not addressed by vehicles in the air. There are, for instance, the blind. These are disabled people too. We must not limit our perspective to those who are simply impaired in their abilities to move around.

The blind also have a right to the quiet enjoyment of our parks. And they cannot achieve that in the kinds of vehicles that are currently under consideration in your bill.

There are those who because of involvement in our previous wars have been disabled by post-traumatic stress syndrome. They are radically imposed upon by the noises of helicopters and by loud noises generally.

There are—

Mr. OBERSTAR. Mr. Clark, I will give you another 30 seconds. We have a long list of witnesses waiting. I understand your point. I think you have made it very heartfelt.

We really do thank this panel very much. I know your testimony was interrupted by votes and running back and forth to the House Floor. I appreciate your patience while we went through our required exercises, the other part of the work we do on the House Floor. It was heartfelt, genuine, thoughtful testimony. Very persuasive.

Mr. OBERSTAR. Our next panel—we will wait until the mounds of documents have been removed here—our next panel includes the Honorable Barry Goldwater, former Senator, State of Arizona, for over a third of a century. Mr. Dan Anderson, President of the Grand Canyon Air Tourism Association. Mr. Robin Harrison, Mr. Robert DeCamp, President of the Hawaii Helicopter Operators Association. Mr. John Sullivan, President of the Grand Canyon Tour Council. Mr. Elling Halvorson, Chairman, Pappillon Airways. Mr. Robert Broadbent, Director, Department of Aviation, Clark County, Nevada. Dr. Ronald Hinkley, Partner in Research Strategy and Management Associates. We have a substitute. Mr. Santini will speak in place of Mr. Halvorson.

Gentlemen, we are glad to see you today.

Senator Goldwater, you have had a long and distinguished career as a leading voice, from outside of Washington after your retirement, your self-imposed retirement. You have a special place in the heart of Americans, whether we are in your party or not. We respect you and your position you hold.

I would like to recognize my colleague from your State of Arizona, Mr. Coppersmith.

Mr. COPPERSMITH. Mr. Chairman, I will be brief, but I think it is only appropriate, while we are talking about natural resources, that we brought one from Arizona to talk to the committee.

Mr. OBERSTAR. Unlike most of our witnesses, you come without a prepared statement, speaking from the fullness of knowledge and the fullness of your heart. We appreciate that.



**TESTIMONY OF HON. BARRY GOLDWATER, FORMER SENATOR FROM ARIZONA; DANIEL W. ANDERSON, PRESIDENT, GRAND CANYON AIR TOURISM ASSOCIATION AND ACOUSTICS, GRAND CANYON, AZ; ROBIN T. HARRISON, FORMER PROGRAM LEADER, AVIATION, U.S. FOREST SERVICE TECHNOLOGY AND DEVELOPMENT CENTER; ROBERT DeCAMP, PRESIDENT, HAWAII HELICOPTER OPERATORS ASSOCIATION; JOHN A. SULLIVAN, PRESIDENT, GRAND CANYON AIR TOUR COUNCIL, LAS VEGAS, NV; HON. JAMES SANTINI, FORMER REPRESENTATIVE IN CONGRESS FROM NEVADA; ROBERT N. BROADBENT, DIRECTOR, DEPARTMENT OF AVIATION, CLARK COUNTY DEPARTMENT OF AVIATION, LAS VEGAS, NV; AND RONALD HINKLEY, PARTNER, RESEARCH STRATEGY AND MANAGEMENT ASSOCIATES; YVETTE KALLAUOLOPUA, OWNER, BLUE HAWAIIAN HELICOPTERS**

Senator GOLDWATER. Thank you very much, Mr. Chairman.

This is a real pleasure and an honor for me to be able to testify on this matter, and I will try to keep it brief, although when you get talking about the Grand Canyon, it is hard to shut up.

This is a very large piece of this country, about 300 miles long, and over 40 miles wide. It is impossible to hear sound that you might have at one point from another point. I have traveled through the Grand Canyon by boat six times. I have walked down every trail that they have. I visited the Grand Canyon first 75 years ago. And with the exception of the years of the war, I visited it every year since.

I have always said if I had a mistress, it would be the Grand Canyon. I don't think it would be any fun.

The subject of flights in the canyon I can't understand, really. I have flown an airplane down the canyon many times. I have landed helicopters in the bottom of the Grand Canyon quite a few times. I have been down there. I remember one case years ago when the story got circulating that the overflight of jet aircraft, jet fighters was causing rocks to fall down in the canyon. One trip I took through the canyon, I took my amateur radio equipment—I am also a ham operator—and I called the commander at Luke Air Force Base from the bottom of the canyon and told him that probably the next morning I would like him to bring five F-100 aircraft to a point that I would tell him exactly where to be.

I wanted to see whether or not aircraft flying close to the speed of sound actually could dislodge rocks. So, sure enough, here came five F-100s. They couldn't reach the speed of sound at that low altitude, but they did make quite a noise. Not one single pebble, not one pebble was dislodged that I could see. So that is a lot of nonsense.

This idea that you can hear airplanes in the bottom of the canyon, you can. If you want silence, I can remember the first time I went down the river, there were beavers, and I can still hear the tails flapping. No more beavers. Let's bring the beavers back, because I miss the tails flapping. I would rather hear an airplane.

I would hope that the committee would not regulate against helicopters or aircraft. This idea that we are going to develop silent aircraft I think is a lot of foolishness. I have been flying now for

70-odd years, and silent airplanes are not possible as long as we have propellers.

Now, if they make quiet jets, that might work out. But I don't think that is going to happen soon.

To me there is no more sublime place to be in this world than any place in the Grand Canyon. I love to walk down in it, I love to fly down in it, I have even portaged boats around rapids by helicopter when it was a little difficult to portage by hand. I am a kind of a lazy cuss.

But it is nice that this committee is taking the interest in the canyon, and other parts of our country. But I hate to see us say to the flying public, "You can't fly over this part of America." The testimony was offered here a moment ago that there are many older people, there are many people that suffer from infirmities that cannot see the canyon, and this idea that you can—they probably roll out in a wheelchair, that is a lot of nonsense to me. Sure, you can roll out in a wheelchair.

But nobody can experience the grandeur of that canyon until they can see more of it than just looking over the rim from El Novar or any of the other points. To me, the ability to take a helicopter and have a guide point out the different monuments in the canyon is the way to see it.

And I want to express myself as strongly as I can in favor of keeping things as they are. Things are going along pretty darn well up there for that old canyon, and the less we have Washington fooling around with it, the better off it is.

Thank you.

Mr. OBERSTAR. Thank you, Senator.

The next witness, Mr. Dan Anderson.

Mr. ANDERSON. Mr. Chairman and distinguished Members of this committee, let me first thank you for giving me and my colleagues here today the opportunity to address you.

This hearing represents for us the first opportunity that we have had to present positive information about air tourism to an objective and impartial body assembled for the sole purpose of considering all of the facts about national park overflights. We welcome this opportunity and we thank you for your time and attention here today.

I want to say at this point that I am honored to be sitting by such a distinguished gentleman and accomplished speaker and leader as Senator Goldwater, and we appreciate his comments here today.

I would also like to ask with your unanimous consent that my prepared statement, along with the statements I have brought from Governor Fife Symington of Arizona and the Arizona Department of Transportation pertaining to the advanced notice of proposed rulemaking, along with the attachments for my prepared speech, be entered into the record.

Mr. OBERSTAR. Without objection, so ordered.

Mr. ANDERSON. Thank you.

I am speaking to you today on behalf of the six members of the Grand Canyon Air Tourism Association, which fly approximately 40 percent of all of the air tour passengers annually at Grand Canyon. Most importantly, though, I speak to you today on behalf of

the air tour passengers which our operators alone flew last year, numbering over 300,000 of the 800,000 approximately that flew over the Grand Canyon into areas that they would otherwise be barred to in terms of access.

Today I wish to present information which supports three important facts. Number one, that aircraft are the most environmentally sensitive means of accessing our national parks. Number two, that aircraft offer access to remote, pristine wilderness areas of our national parks, to hundreds of thousands of people annually who would otherwise be barred from those areas. And third, the regulations in place at Grand Canyon have worked, worked quite well, as Senator Goldwater has already said, and the natural quiet has been substantially restored at Grand Canyon.

Before I begin, let me briefly place air tour visitors in context with other park visitors. We heard some of the statistics mentioned earlier. I would like to refer to the chart over here to the right and acknowledge my assistant, Ms. Michelle Irwin, who is helping us here today.

In 1992 you can see that the total visitation for Grand Canyon was about 4.5 million people. Of those, about 99 percent, according to the Park Service, were considered to be front country visitors, meaning that they accessed the most popular overlooks from paved roads or took short hikes into heavily used areas.

Of those front country visitors, about 82 percent were not air tour passengers. However, of all park visitors at Grand Canyon, 17 percent elected to access the remote wilderness areas of Grand Canyon by air.

In fact, according to a survey conducted by the National Park Service, about 20 percent of the air tour passengers or over 3 percent of all park visitors elected to take an air tour because an air tour allowed them to see areas of the park they would have been unable to see otherwise because of physical disabilities.

You can see by the other two sections there, we have seen the yellow area, the nonair tour visitors, the green area, the air tour visitors. The other two, the red and the blue, are what comprise the back country and the river users that you have heard about today.

All the other users, all of the back country users that we have heard about today combined, represent a total of a little over 1 percent of all park visitors at Grand Canyon. That is a very small percentage of people. There is a very good reason for that. It is difficult to access those remote back country areas, even though it is beautiful. But those people have difficulty in getting there and back in one day, and so must access the back country areas, or otherwise do that by air.

Theodore Roosevelt said of the Grand Canyon, "Leave it as it is. You can only mar it." And we agree with that. We have left the canyon as it is, in its pristine state. Aircraft which were not available in Roosevelt's time offer the only means of accessing the pristine areas of the canyon without marring it.

True impairment of the Grand Canyon is caused by those who access it via foot, mule, boat, or other ground conveyance. Aircraft noise dissipates quickly and forever, and thus preserves the maj-

esty and magnificence of the Grand Canyon and other national parks unimpaired for all times.

Last year, as I mentioned, over 800,000 people or 17 percent of all park visitors chose to see these areas, by the Grand Canyon, by air. At the end of the year, after all of those 800,000 people had come to the canyon, they had seen those remote areas, they had been over some of the most majestic and beautiful areas this country has to offer, when they left, they left—they didn't leave one footprint, they didn't leave one drop of motor oil, they didn't leave one piece of trash, they didn't leave one rock marred with graffiti. They didn't leave behind anything that would denote they had ever been there in the first place.

In fact, the Grand Canyon was as pristine as it would have been and unimpaired as if they had not visited it in the first place.

Yet, the Park Service and aviation opponents have failed to recognize the important benefits that aircraft offer in environmental terms. Rather than embracing aircraft as a solution to the challenge of providing access without damaging the park, they have seemed determined to deny access to airborne park visitors. They have worked diligently to place limits on the very means of access which might help the Park Service in achieving its goals, some of which we have heard about today.

I read with interest the comments offered by the National Parks and Conservation Association and the Grand Canyon Trust in response to the ANPRM on park overflights. Both provide convincing arguments that our national parks should be preserved for all time. It is unfortunate, however, that neither organization has recognized that aircraft offer a means of preventing the tangible and lasting damage caused by ground access. Whatever perceived impact that might be caused by air tour visitors is temporary, leaves no trace, and adversely affects only that infinitesimal segment of those visitors who traverse the wilderness areas.

Ten days ago I set out on a hiking expedition with a hiking companion into the major flight-free area where the vast majority of all of the day users hike into the canyon. And along the trail we—we saw evidence of ground use everywhere. There is trash, graffiti, mule excrement, which sometimes covered the trail, trail erosion, footprints in sensitive vegetation areas. In fact, there was a toilet right in the middle of a scenic vista. There are solar-powered radio telephones, and the list goes on. And all of these things substantially impacted our wilderness experience.

In fact, all of those things were necessary because of ground access and the ground users that require such things. But we could not attribute one single overflight experience to tour aircraft.

When we talked earlier, we heard earlier about what natural quiet is. I can tell what natural quiet is because I have experienced a substantial amount of it in the time I was there for two days and the 20 miles I hiked in the Grand Canyon only 10 days ago in the height of the tourist season.

But I will tell you there are also some other aircraft that were there as well. Those aircraft were Park Service contract helicopters which landed on emergency rescue missions. Certainly those missions are necessary. But they would not be necessary if there

weren't people on the ground who had medical emergencies that required those flights.

So I can say to you from personal experience that ground users themselves have a substantial aircraft noise impact in the Grand Canyon. In fact, flights such as those have more of an impact than any tour aircraft.

This is an important means of access to physically limited visitors. We have talked about the disabled people that don't have the opportunity to visit those areas otherwise. And can I tell you that having hiked it, that I can't see any other means of getting down there for many of the folks that we fly.

In fact, about 40 percent of all passengers we fly are U.S. citizens, and 60 percent international, and about 40 percent of our passengers are under 15 or over 50, which is the most—I am sorry, the least likely to take a strenuous hiking and rafting or mule-back journey into those areas.

Thus, unless a visitor has the physical ability and the time and the equipment and the money to hike, to ride, or to raft to the Colorado River, one of the most beautiful parts of the canyon, it is virtually inaccessible to them. And I would ask those that are opposed to aircraft, isn't the experience of seeing areas such as the Colorado River equally important to air tour visitors as it is to ground visitors?

In fact, Jack Davis, speaking of the differences of experience needs—he is the former superintendent of Grand Canyon National Park, I believe up until 1991—said in an article which was published in the Grand Canyon Trust newsletter that the Park Service must manage the national parks for the use and enjoyment of visitors, now and in the future. He said, "Sometimes I feel that the environmental groups lose sight of this side of the coin. People must realize that visitor enjoyment is also significant in that not every visitor is going to hike the canyon and run the river. They are going to want to come and enjoy the canyon in their own way."

He cautioned that "I think sometimes we impose our own experience expectations on others who don't really want the same type of involvement."

And I can tell you that it is this intolerance which has led a handful of extremist groups to call for more and more restrictions on park overflights and has made dialogue with those groups impossible.

I can say to you also that natural quiet has been substantially restored to Grand Canyon. As I said before, I know what natural quiet is. I have experienced it. But in addition to that, there have been other studies and other analyses which support that conclusion.

If you look at the chart here, it is a map of the airspace prior to the implementation of the regulations we have now. As you can see, the impact on the canyon was quite dramatic. There were flights all over the place, essentially.

After Public Law 191 was signed into law and SFAAR 50-2 was implemented, you can see the routes which were established which were substantially different than were there previously. Though routes allowed us to fly in areas which really comprised only 14

percent of the entire park, because as you can see those are one-mile-wide corridors that traverse the Grand Canyon National Park.

In effect, it made the park 86 percent flight-free. And in fact the air tour industry prior to the SFAAR implementation did feel that the regulations would cause a significant economic harm to their businesses, and they said so at that time. And I think we have all seen and we acknowledge now that they were wrong, that the SFAAR that we have now in place has been necessary, and we are pleased with the results that we have seen there.

In addition to my own experience, I site Bennett Cox Consultants who did a sound study on the Grand Canyon which found that SFAAR 50-2 works and has substantially restored natural quiet to Grand Canyon. And that study in its entirety has been distributed to each of you. At least, I am sorry, the preliminary portion of that.

There are also three major studies conducted by the National Park Service contractors in their attempt to evaluate the effectiveness of SFAAR 50-2, the acoustic visitor survey and those response studies. And after reviewing that data last fall, I can tell you that we were astonished that the NPS had concluded that natural quiet had not been restored. In fact, the visitors survey that was the most conclusive study in proving that natural quiet had been substantially restored at Grand Canyon. In fact, the number we talked about earlier, and I would be happy to provide anybody with a copy of the Park Service report, which says that almost 92 percent of all park visitors at Grand Canyon reported that aircraft did not interfere with their enjoyment.

In fact, it was interesting to note one of the speakers earlier that mentioned that one-third of the back country users had said that it impacted their enjoyment. Well, I can say to you that two-thirds said that it did not impact their visitor enjoyment. And I would say that is a substantial number of hikers and rafters and boaters and so forth that are experiencing that natural quiet that we spoke about.

We have also provided information to you which indicates that the Park Service's analysis has been flawed in the sense that it fails to consider the visitor; only the acoustic monitoring device. It seems we are excluding the visitor and giving preference to acoustic monitors, and what we are saying or hearing the Park Service say—in fact, I got a letter on this recently from the Western region director, Mr. Albright—that they want to protect quiet for quiet's sake, and it doesn't matter if there are no people in these areas. We want there to be no aircraft sound.

And we say to you, as the map indicates, that 99 percent of all visitors are enjoying the park in a very small portion of that south rim area, and they are already protected and do not need further protection. SFAAR 50-2 is working.

We have also indicated in the testimony we presented that there have been other analyses done of the Park Service reports. I think there is some testimony on that for you today from RSM Research and Strategy Management, which has called the studies grossly—the terms of studies grossly misrepresentative and that the bias in those studies is explicit. So certainly we cannot use a study such as this really to use in any sort of serious policy decision making.

We have heard testimony about the number of complaints, and I won't reiterate that, but I will tell you that it makes sense to me that if you are talking about visitors at Grand Canyon being in excess of 4.9 million last year, and last year in fact there were only 56 total complaints received at Grand Canyon, if there were a significant problem at Grand Canyon, I don't know how many complaints there would be, but do I believe there would be more than 56. And so while it is not a conclusive determination in and of itself, when combined with the other evidence we have, it definitely supports—

Mr. OBERSTAR. Mr. Anderson, want to encourage you to follow Senator Goldwater's example and get to your point here, because we have a flock of other witnesses.

Mr. ANDERSON. Yes, sir. I apologize for taking too long.

Let me conclude just in saying that we have enclosed some recommendations to you, I think the most important of which is to establish a Federal advisory committee. We need to establish standards and evaluation process. We need to make some adjustments now at Grand Canyon. It is not perfect, but those adjustments can be made within the confines of the current SFAAR.

We support the transition to quieter aircraft as those aircraft become available. And we are pleased that this committee has allowed us to make this comment.

We also want to ask that the FAA be allowed to retain complete control of airspace and that the bill introduced by Congressman Williams to make air tour operators park concessionaires not be considered seriously. And the other at Hawaii not be seriously considered.

We appreciate the opportunity to address you here today. We can say to you that SFAAR 50-2 is working and we are willing to work through the process once one is established to ensure future improvements.

And I thank you.

Mr. OBERSTAR. Very good. Thank you, Mr. Anderson.

Mr. Robin Harrison.

Mr. HARRISON. Mr. Chairman, as I admire Senator Goldwater above all living Americans, I will emulate his example and be very brief.

For 28 years, I was the program leader for aviation and acoustics with the U.S. Forest Service Technology and Development Center. As such, it was my pleasure to be the technical adviser to both the Park Service and the Forest Service on the development of the overflight sound acoustic measurement program.

Everyone who has spoken today, even representatives of the Sierra Club, say that a balance needs to be found. I am concerned that the balance that needs to be put in front of the Park Service and considered by them is being lost.

The Park Service has engaged the leading acoustical scientists in the world to develop information. And yet it appears to me that the information that they have developed and submitted to the Park Service has not been utilized by the Park Service.

There have been a number of excellent technical and empirically supported definitions of natural quiet put forth. As far as I can tell, the Park Service has not accepted any of these.

You do have data to the people who say we are waiting for the National Park Service study. I might say there is data. Data was submitted to Congress in July 1992 on the Forest Service study, potential impacts of aircraft overflights on national forest system wildernesss.

As the guy who is responsible for the technical portion of this report, I was kind of disappointed that nobody has even referred to it yet today. I can get you copies if anybody wants them.

The Forest Service study found that the impact of vibration, the impact on cultural resources, and the impact on wildlife was negligible. The Forest Service study also found that for wilderness visitors, 86 percent reported no impact; 14 percent were impacted to some degree or severely. The degree, the number that were severely impacted is something in the neighborhood of 3 or 4 percent it has varied slightly across different wildernesss.

But the point is that the Forest Service wilderness study found that impact of overflights was limited to about the same percentage that the National Park Service visitors study shows. In other words, something between 10 and 15 percent of the visitors to the wilderness or the park report any impact.

Having visited a number of wildernesss and several national parks as part of my duties as the technical adviser to this study, I had the opportunity to talk with a large number of Park Service employees. It is my impression that the problem is very real to the Park Service manager, that it is the Park Service's—the Park Service manager's position that there isn't an impact, but that the public does not necessarily share this impression.

I think that it was interesting to hear Director Reynolds say that the Park Service supports balance, and assure us that there is no intent to ban overflights of the parks. And yet for all practical purposes a huge segment of aviation, all of private flying, has been banned from Grand Canyon park. There is no practical way for the private aircraft owner to fly over the canyon at this point under SFAAR 50-2. The ceiling is so high that most small aircraft simply can't safely achieve that altitude.

Let me conclude my comments—and I have submitted a written transcript of a longer statement which I hope will be included in the record—with a personal opinion and a personal vignette about the canyon.

First, as one who has been professionally involved in aviation for my entire career, I have not always gone hand in hand with the FAA. And yet in this case it is clear that there is no more legally nor technically competent authority to regulate airspace. And to compromise that authority, even in the slightest, will probably lead to compromises to the aviation community that are just as unfortunate as the de facto ban of private aircraft over Grand Canyon right now.

And the second personal observation is, I want to leave you with a thought that I love the canyon. I have made tens of thousands of noise measurements in the canyon. I have walked the canyon up and down. And I have also flown the canyon. And as a dad of a teenage girl, sometimes it is hard to find things to share with your daughter, as I am sure any of you who have teenage girls know, but I once took my daughter on a flight down the canyon and she



later told me, now that she is a grown-up, she said, "You know, that flight was the best thing you ever did for me, Dad. That stuck with me for a long time."

I would hope that other dads won't be prevented from flying their daughters over other parks because of the ill-considered transfer of power from one government agency to another.

Mr. OBERSTAR. Thank you, Mr. Harrison. Mr. DeCamp, President of the Hawaii Helicopter Operators Association.

Mr. DECAMP. Thank you, Mr. Chairman and Members of the committee, for giving us this opportunity to present our side of the story.

Having heard direct quotes from Senator Goldwater and then a quote from I think you said Theodore Roosevelt, I thought of a quote while I was sitting here a while ago that really applies to a popular movie called "Cool Hand Luke," where they said, "What we have here is a failure to communicate."

And that is exactly what we have here. We have a classic case of two groups that probably, in their hearts, have good ideas and wishes, but they have totally different definitions for what they are attempting to solve here. And I think a couple of points that really come to mind today are, "natural quiet" and "has that or hasn't that been substantially restored" in the parks.

Actually, I think that only applies to the Grand Canyon at this time. And I don't know how the Park Service could have come to a conclusion on the latter issue in the first place since there was no study done ahead of the SFAR to compare with what is now occurring after the SFAR.

Since the question is, has it been substantially restored, that requires some type of a baseline to compare with. If you saw the graph a moment ago or the chart showing the routes of the Grand Canyon, I don't think it takes a rocket scientist to see there has been a major change in the canyon.

By the way, those routes were only the published routes at the time. The pilots were allowed to deviate anywhere they wanted to go. So it probably would have been a black mass if we had actually put the actual flights up there.

I am here on behalf of the tour industry in Hawaii, but really it is the tour industry nationally that is really at stake here. We have 26 operators in Hawaii, not 48 as mentioned earlier. They own or operate about 80 helicopters devoted primarily to tours. And the projected revenues are in about the \$100 million range this year and we will carry approximately half a million passengers, if not more.

I mention that because it is a significant part of the economy in Hawaii which is a tourist-based economy, and also we employ about a thousand people directly and provide income and employment to countless others through our assorted vendor, service and agency relationships. So there is an economic and employment factor in there. Some people would like to discount that down to zero, but I don't think that is really a fair perspective to take.

I read some articles recently. One headline said, "The National Park System is Under Siege." And I read that and I thought; we're in trouble again. Another one said, "Save Parks and Forests from Industrial Tourism." I thought, Oh, boy, we're really in trouble

now. I figured these applied to our industry. Fortunately, they didn't. Not one comment in either of those articles related to the air tour industry. It was Secretary Babbitt who outlined the Park Service's foremost concerns in these articles.

I have since read several others. They were all relating to eroded terrain, polluted soil supplies, overcrowding, traffic jams, trash, maintenance shortfalls, drug commerce, gun violence, vandalism and more.

Air tours are rarely mentioned. I have noticed that they are rarely if ever mentioned when the park lists the afflictions that cause physical damage to the park or visitors.

Secretary Babbitt stated in one of the articles, "If we can't touch the hearts and minds and souls of people through their encounter with a national park, how are we going to save the planet?" And I thought that was really a wonderful comment. I wish I had thought of it myself. But when he made that comment, it made me realize that he was talking about how to save the parks from the deterioration that he was mentioning in these articles so that future generations could enjoy them.

And air tours not only don't contribute to the stated problems but they can help reduce or eliminate each and every one of them while simultaneously fulfilling the National Park Service's mission, which was stated in the Organic Act of 1916, and which I think pretty much describes air tour activity. The act says, "The Park Service is to conserve the scenery and the natural and historical objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations."

And I think Dan Anderson eloquently stated the position of the air tour industry in that regard. We wholeheartedly support that and endorse the sentiment that the Secretary put in his question. We want to help solve those problems. We feel that we are a major part of the solution as opposed to a part of the problem, assuming we can come to some rational organization or system that is fair to all parties involved to come up with standards that we can be held against.

This is frankly I think a problem of the entire tour industry, that we are held to the standard of each and every individual and each and every special interest group, and they all decide for themselves what their interests are, and they all have specialty interests, and we can't live up to each and every one of their standards. There has to be a consensus-building process that is fair and equitable to all of the users. And we don't have that now and it is a problem for us. It creates friction. It creates instability in our communication with these other groups. We would like to see that there is a fair process.

Our organization endorses the concept of either a Federal Advisory Committee or perhaps using the ARAC committee within the FAA to make a solution for that.

I will close. My testimony is submitted. I would also like to say one more thing, and that is that the panel that was here from Hawaii does not represent the community at large in Hawaii. It would be a false impression that you might get that they represent the community. And I will ask that I be able to put into the record a

fairly sizable batch of support petitions and individual letters which include letters from the mayor of Maui and the mayor of the Big Island of Hawaii.

The county council, by the way, of the Big Island of Hawaii, and its mayor have not endorsed the Patsy Mink bill, H.R. 1696. They did not pass the resolution supporting that bill. Branches of the Chambers of Commerce and the Hawaii Visitors Bureau and so forth are included in this batch. If it were possible, I would like to pass these along to the committee.

Mr. OBERSTAR. The committee will receive the materials. I think we will select out some certain ones that are a representative sampling for the hearing record. There is an overdose for our hearing today.

Mr. DECAMP. I only had a few days.

Mr. OBERSTAR. Senator, may I ask Mr. Clinger if he has something? Unfortunately he missed your presentation.

Mr. CLINGER. I apologize, Senator Goldwater. I very much hoped to be able to be here. We were marking up another bill, but we are grateful for your presence here today and for your contribution, and for your long and very illustrious service to the country. I am delighted that you were able to be with us today.

Mr. COPPERSMITH. Mr. Chairman, before the Senator goes, the Senator's testimony mentioned, and I promised not to tell Susan this, if he were to have a mistress, it would probably be the Grand Canyon, even though it wouldn't be much fun. I can report that my wife Beth and I, for our honeymoon, took a raft trip down the Colorado River through the canyon. It was a wonderful, awesome experience.

But, Senator, you are right about the fun part.

Senator GOLDWATER. Thank you very much.

Mr. OBERSTAR. Thank you for being with us.

Mr. Sullivan.

Mr. SULLIVAN. Mr. Chairman and Members of this committee, thank you for this opportunity to present the perspectives and concerns of the Grand Canyon Air Tour Council and the air tour industry.

The council is a nonprofit organization made up of 12 air carriers based in Nevada, which conduct air tours of the Grand Canyon and other national parks. I request that this statement be incorporated into the hearing record of the committee. I also request that the written testimony of Bob Miller, Governor of Nevada, be entered into the record as well, and ask that the written testimony of Mr. Cliff Langness' previously submitted testimony, the President of Scenic Airlines, be entered into the record as well.

Mr. OBERSTAR. Without objection, so ordered.

[The information received follows:]



THE GRAND CANYON EXPERIENCE

Statement of Cliff Langness  
President - Scenic Airlines  
Las Vegas, Nevada

Before Chairman James L. Oberstar  
Aviation Subcommittee  
Public Works and Transportation Committee  
July 27, 1994

Mr. Chairman and members of the committee, thank you for this opportunity to present my concerns, the concerns of Scenic Airlines and one perspective of the controversy involving our air tour industry.

The Grand Canyon National Park is a huge national park. If it was 20% larger, it would be roughly the size of the State of Rhode Island. There are two paved access roads upon which the majority of visitors travel to view the Grand Canyon. That concentration of visitation is in an area of the park where the expanse of the canyon is at its greatest - the North and South rims.

This area, where over 90% of the Park visitors visit the Park, represents only about a third of the geographical area of the Grand Canyon National Park. This area also lies under a huge flight-free zone. This was created by SFAR 50-2 which restricted all flight below 14500 feet MSL.

I recently had the opportunity to hike from the South Rim to the North Rim in a two and one-half day stay in the Park. In that time, I heard 17 high-altitude commercial jets flying above the flight-free zone and five light utility helicopters which were contracted by the National Park Service to do work inside the flight-free zone. I did not hear or see one flightseeing aircraft from the time I arrived in the Park at the East Gate at 9:30am on June 1, 1994 to the time I left the Park at the North Gate at 3:00pm on the 3rd of June. I walked across the entire breadth of the Canyon (some 24 miles) without hearing a single flightseeing aircraft.

I am a tour pilot and flew tours in the Canyon before the Overflight legislation created the flight-free zones. I am very familiar with the flight activity that took place back then. It could generally be characterized as a free-for-all. We flew wherever we felt like flying given the flight conditions of the day. If the winds were calm and turbulence was not an issue we ventured lower into the canyon and closer to the tour highlights. The highlights before the creation of the flight-free zones included Phantom Ranch, Indian Gardens, the North Rim Lodge and Roaring Springs. I could neither hear nor see aircraft in the areas that I remember flying into prior to the Overflight Act.

Given what I know about scenic flights before the overflight legislation, it is difficult for me to believe that any responsible person could ever conclude that the SFAR legislation has not produced a significant restoration of natural quiet.

If the intent of Congress was to restore a natural quiet to well over 90% of the Park visitors that visit the Park then I believe that has been accomplished through SFAR 50-2. If the intent of Congress was to restore a natural quiet to every square foot of the Grand Canyon National Park, then SFAR 50-2 has failed and success could only be achieved by restricting all flight over the entire park.

For the National Park Service to be consistent, however, all motorized access into the Park ought to be banned if anything close to a Park Service version of natural quiet is to be achieved. If that indeed was the intent of Congress, we will no longer have a National Park for a typical cross-section of America. We will have a national park for the very few elite members of our society who have the physical strength and stamina to hike inside the park and; in addition, have the financial resources to afford the time it takes to hike to even the easiest of sites within its boundaries.

We will no longer have a National Park that can be seen by our many foreign visitors and tourists. The time constraints on foreign itineraries will severely limit visitation to Grand Canyon if aerial and/or motorized transportation is banned from the Park. I believe this to be a terribly irresponsible custodial role for one of the world's greatest wonders and attractions.

In addition to the flight-free zone between the North and South rims that I mentioned earlier, four other flight-free zones exist to ensure a quality back-country experience for the remaining 10 % of visitors who enjoy that remote wilderness aspect of the Park.

The air tour operators are restricted to corridors between these large flight-free zones to conduct their aerial activities. The total access to the airspace defined by SFAR 50-2 by air tour operators is approximately sixteen percent. To reduce that access further is a real injustice to Park visitors who have neither the time or ability to view the Canyon in any other way.

The issue at hand is not related to safety or to the environment. At issue is the rights of user groups. The rights of 800,000 annual Park visitors who choose to enjoy a unique aerial view of the Grand Canyon and the rights of Park users who choose to visit those parts of the Park located under and around the flight corridors that flight tour operators are restricted to fly in; and, in which, a complete restoration of natural quiet cannot be possible.

There are many things that can be done to minimize the impact of noise from our tour aircraft to ground users. A rerouting of the Dragon corridor away from Hermit's rest is a solution worthy of consideration. Quiet aircraft technology should be a consideration. Changes in flight altitudes ought to be studied. Our industry is willing to work at finding practical solutions to the problems we are faced with.

Our dilemma is that we are too busy fighting for our economic life from those who would have us totally banned from the park that we cannot afford the time to pursue practical solutions to noise issues until we once and forever resolve the more basic issue which is our right and the rights of our 800,000 customers to experience an aerial view of this and other National Parks. If our commercial survival is secure, you will find this industry to be a very willing partner in finding long-term solutions to Park use conflicts.

We are not faceless, money-grubbing pillagers of our National Treasures. We are people who live on the Colorado Plateau and love this land. We enjoy our neighbors and respect our many visitors. We have found a way to enhance visitor appreciation for the National Parks and in a way that is least destructive to the land. The noise that is produced by our aircraft is transitory. Unlike other Park visitors, we leave neither footprints, trash or excretions. We are not a burden on the infrastructure of the National Park Service.

Our industry is relatively new. It is, however, older than the Park itself. Aerial tours of the Canyon were conducted prior to the establishment of the Grand Canyon National Park. As an industry we have grown up a lot in recent years. We realize that as visitation continues to increase we will need to be more proactive to the sensitivities of various visitor groups. We can no longer make the presumptions we have made in the past and realize that our activities can not continue unrestrained.

We also believe that the regulations we presently operate under as a result of the Overflight legislation needs little-to-no modification to affect a near 100 % compliance of what reasonable people would believe to be a substantial restoration of natural quiet. We believe this is achievable without giving up any additional airspace over the 84% we have already given up.

My personal wish for all congressional decision-makers would be to spend the 2 or 3 days in the flight-free zones as I have done to see if a restoration of natural quiet hasn't been substantially restored. Our detractors will want you to spend that time under one of the corridors we are restricted to fly in and to conclude that this would be a representative experience for the entire Park.

If you believe we have a right to aerial access to our National Parks and that we can conduct our activities responsibly to where over 90% of Park visitors can enjoy a natural quiet without hearing the sounds of our activities, please redirect the Departments of Interior and Transportation to focus their energies on finding practical solutions in further limiting noise for conflicting user groups rather than focusing their energies on banning our activities altogether.

I am particularly bothered by a Park Service logic that has been pieced together from separate acts of legislation whereby this agency becomes the sole interpreter of what natural quiet is and will be for our National Parks. Further, its need to protect this natural quiet as a resource beyond the impact upon people and the environment is extremely disturbing to me.

Mr. Chairman and members of the committee, on behalf of our company and our industry, I again thank you for providing this opportunity to present to you our concerns, our views and our perspectives. We appreciate the opportunity to be heard.

Mr. SULLIVAN. The essence of the debate concerning overflights over national parks is a requirement to balance the often competing mandates to provide visitor enjoyment of our parks with preservation. Air visitation, rather than being environmentally damaging, as anti-aviation groups are claiming, is actually the best way to provide a quality visitor experience and protection the environment. In the Grand Canyon, air tours have been conducted for over 70 years, even before this magnificent area became a national park.

Air tour passengers take only pictures and leave no footprint. There is no garbage left behind. The one and only impact is the sound of a light aircraft in cruise flight as it passes overhead.

In the Grand Canyon, even this minor impact has been minimized by a complex airspace system which requires air tour aircraft to stay on specific routes and altitudes which only overfly 14 percent of park lands. Vast acreage is completely flight-free from all aerial sightseeing, a major concession given up by the industry in 1987.

This airspace system, known as the Special Federal Aviation Area 50-2, or SFAAR, has been enormously successful in improving the safety record of the canyon air tour industry. An FAA report released in 1993 states that the Grand Canyon air tour industry has achieved a significant reduction in the accident rate since 1987. In fact, the safety record has improved every year since 1987. What was once a concern several years ago has disappeared as an issue thanks to the hard work of hundreds of aviation professionals in the industry and in the FAA.

The SFAAR has also been extremely successful in obtaining the goal of Congress which is the substantial restoration of natural quiet in Grand Canyon National Park. The overwhelming body of evidence indicates substantial quiet has been restored. A substantial number of visitors, including back country and river users, are now reporting there is no impact whatsoever from aircraft overflights.

A National Park Service visitors survey indicates that over 91 percent of park visitors report no impact from aircraft. Not slight or moderate. None. Even a substantial number of back country groups who are the most sensitive about aircraft sound indicated there is no interference of their enjoyment of the park by aircraft. I believe their group was approximately 70 percent were reporting no impact.

Visitor complaint information to the Park Service was received through the Freedom of Information Act. These records indicate that complaints about aircraft have been reduced 90 percent since the SFAAR began in 1987. Today complaints number less than three per month at 5 million annual visitors. As the Governor of Nevada recently pointed out in a letter to the Secretary of the Interior, there are currently more complaints about pack mules in the Grand Canyon than about aircraft.

The Park Service completed an aircraft study based on dosed response methodology in the Grand Canyon also in 1993. This study gauged the impact of aircraft on different user groups and asked these respondents to identify an acceptable level of overflights. This study created a standard of acceptability for all groups combined,



which was determined to be six aircraft events per day. An aircraft event is defined as seeing or hearing an aircraft.

The data indicates the present level of impact is just under three events per day. After seven years, the air tour industry in the Grand Canyon is approaching the halfway point of impact to canyon ground visitors which is a standard set by the canyon ground visitors themselves.

These two park visitor studies and the visitor complaint data are consistent with the U.S. Forest Service report to Congress released in 1992, which Robin Harrison to my left authored. The Forest Service was required to analyze and report on the impact of aircraft overflights on forest wilderness areas. This study concluded the overall impact was negligible.

On the impact of forest wilderness users, it says the majority, 86 percent of wilderness visitors were not annoyed by overflights. The Forest Service report went on to say "that many visitors did not notice aircraft even when they are present."

With an overwhelming body of scientific evidence indicating there is very little aircraft impact in the Grand Canyon or U.S. Forest Service wilderness areas, how can the Park Service conclude that natural quiet has not been restored?

Most reasonable persons would say that Congress intended substantial restoration of natural quiet to mean a condition where most park visitors can visit and enjoy the park without interference from aircraft. This is a very reasonable and fair requirement. The air tour industry agrees with and supports the requirement for substantial restoration of natural quiet as a value and relative to the visitor experience. It is consistent with the Organic Act of 1916 which created the Park Service and all national parks for the enjoyment of visitors.

For back country visitors, the Wilderness Act uses the term solitude and contemplative experience in describing the wilderness experience. Solitude and contemplation are human values and human terms. In the Grand Canyon we have achieved the goal of substantial restoration of quiet relative to the human experience, consistent with the Organic Act which created national parks, and consistent with the intent of Congress.

The Park Service and the Forest Service recognized this intent when these agencies spent millions of dollars studying the impact of aircraft on the human visitors. At a Grand Canyon oversight meeting at Las Vegas last September, the National Park Service used the surveys as justification for its conclusion that natural quiet has been restored.

A few months later, in a workshop in Flagstaff, Arizona, the industry pointed out that some of the key conclusions were completely opposite to the data in those same studies. Two seats from my right is Dr. Ron Hinkley, who has studied the Park Service visitor studies, and Dr. Hinkley drew up the conclusions that the industry first spotted that the data in the conclusions was drastically overwhelmingly opposite to the same conclusion. And Dr. Hinkley is available today as a resource if there are any questions about the park studies or any of the data in question.

Since then, the National Park Service seems to have abandoned its multi-million-dollar surveys and is attempting to create a defini-

natural quiet and a standard for measuring it that leaves man being out of the equation entirely.

There is no scientific or legal definition for natural quiet, but the Park Service defined it as "the condition in which the only sounds heard are natural, ambient sound." The standard then is that natural quiet will be achieved when a substantial portion of the park constantly attains natural quiet conditions.

Whether an extensive study was conducted using acoustics methods that intentionally leaves the human being out of the equation is not surprising, this study, the chart it produced, shows aircraft sound everywhere in the canyon. The sound that most bothers the front country and river visitors to the park are not hearing any aircraft doesn't seem to matter.

In their own admission, Park Service officials have stated that the partial restoration of natural quiet may not be possible using the current definitions.

Chairman, the air tour industry asks for reason and common sense in determining policy relative to our industry and our livelihood. The Park Service ease definitions are not reasonable and do not make sense.

Our recommendation that a Federal advisory committee be set up of industry, FAA, and park officials be formed to define and set reasonable—I underline reasonable—standards for aircraft overflight in the Grand Canyon.

The current standards set in the existing Park Service's study is a good place to start. Those standards would be acceptable to my industry. The same committee can then meet periodically to determine the sound and impact levels in the years ahead. Once an area of the canyon approaches a level of impact based on a reasonable standard, then certain restrictions can and should take place.

Chairman, there is a great deal at stake in this debate. We need your help in ensuring our industry is treated fairly. The first step is the creation of a Federal advisory committee to set reasonable standards.

Chairman Oberstar and Members of this committee, I want to thank you for conducting this important hearing which is of vital importance to the air tour industry and all aviation travelers.

CHAIRMAN OBERSTAR. Thank you, Mr. Sullivan. I appreciate your testimony and the extensive supplemental documentation you have submitted as part of the docket. We have received that for our record.

The next witness is our former colleague, Mr. Santini, formerly a gentleman from Nevada, now just a gentleman.

SANTINI. Occasionally, Mr. Chairman.

CHAIRMAN OBERSTAR. And Member who came to Congress in the class of the 94th Congress, which I was a Member, and we were very good friends in that era, and remained so ever since. It is great to have you back to the other side of the witness table.

SANTINI. Thank you, Mr. Chairman. I wish our get-together were under such a hectic and emergency circumstance.

The intended witness in this particular slot is Mr. Ellingwood, President of Pappillon Airways. He has submitted, as requested by David, and when David speaks we all listen, 165 copies were sent to one address and 15 to the other address. This

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Mr. OBERSTAR

Mr. SANTINI

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statement is available to the committee but I would ask that it be included in the record at this point for your consideration and the consideration of the committee.

Mr. OBERSTAR. Without objection, so ordered.

Mr. SANTINI. Because of the desperate circumstances I was drafted off the sidewalk—I was just walking around looking for something to do—I do not have a prepared statement. But I would be happy to submit one or respond to specific questions, Mr. Chairman, if you deem or Members of the committee deem that to be in order.

I will do my best not to be duplicative of the observations and the representations that have already been made or that I know are going to follow. I would like first of all, Mr. Chairman, to undertake a painful exercise, and that is to challenge the wisdom of one your very good friends and colleagues, Mr. Williams and his proposed legislative remedy to create concessions in the sky.

I was pleased and I believe it is an accurate representation, with the dialogue that was interchanged this morning between Members of the committee on both the Democrat and Republican side and the panels that spoke before the committee this morning. There seemed to be an absolute unanimity in the commitment to FAA to be primarily responsible for the continued management of the airways over the national parks.

I would submit, Mr. Chairman and Members of the committee, that the essential thrust and certainly the pragmatic consequence of the Williams bill is that in absolute effect, it would produce National Park Service management of the skies through the concession contract. Concession contracts, for those who have any familiarity or exposure to them, are exceedingly onerous, contractual obligations voluntarily entered into by a for-profit company to provide a hotel, a restaurant, a gift shop, so on, on national park premises.

The contract probably is about as overloaded in terms of expectation of two arms-length bargainers as you can find in any negotiated contractual agreement in America today. In the hotel, how many times you clean your sheets can be an item of specific concern, and if not in the contract, dictated by the superintendent or park supervisory personnel.

In the restaurant, how much salt you have in the salt shaker can be the matter of a reprimand and direct supervision of a park superintendent or personnel. The cost of the hamburger in the restaurant, comparable with the local community, is dictated by the National Park Service.

In the gift shop, Mr. Chairman, Members of the committee, the cost of the necklace you are taking home to Aunt Mame is determined not by the fair market, but rather by the contractual terms and conditions of that concession contract.

The essential consequence, I think, Mr. Chairman, it is fair to observe, of trying to concoct—and to the Park Service's credit, I heard no witness on their behalf espouse adoption of the Williams concession proposal, but the essential—the inevitable consequence would be that the Park Service would have absolute authority to control the number of passengers, amount of the airfare, times and dates of flight, elevation of flight, and as an absolute, inevitable con-

sequence. This result would in essence take over the management of the airwaves, *de facto*.

By default of FAA, conferring this kind of authority or obligation on the Park Service, FAA would become an incidental, inconsequential enforcer of some safety rules and regulations with little or no control over the day-to-day management of the airspace over the national park.

Second point of concern, Mr. Chairman. Senator McCain alluded to "hyperbole". I think it was appropriate in the context of his observation. I think in the intense issues that relate to the environment and the use of that environment inevitably "hyperbole" seems to be part of the dialogue. But it seems to me that as I have worked side by side on behalf of those who are engaged in the air tour industry, they are not being hyperbolic when they responded to the May 20, 1994 letter of Mr. William Day Chandler, Director of Conservation Policy at the National Park Conservation Association, a very effective lobbying organization in Washington, DC on behalf of the national parks.

I am reading from the fifth paragraph of his letter:

We must act now to propose better standards for our national parks, reject compromised solutions suggested in the ANPRM, demand the total elimination of aircraft from national parks. A victory on park overflights will set a precedent for military and other aircraft disturbances of our homes, wildlife and solitude.

Those who have over 70, 20, 40 years engaged in the air tour industry are not being overreactive, I think, when Mr. William Day Chandler speaks. I, for one, sure listen because I have seen the formidable successes that he and the conservation association have enjoyed over the years.

When this is reinforced by the Sierra Club coming down essentially, and Lord knows there is no more, in my judgment, effective lobbying organization in our Nation's capital than the Sierra Club, when they join forces in seeking a total ban on air access, any kind of reaction on the part of the industry in that context that seems overreactive, I think is understandable given the circumstances.

Finally, Mr. Chairman, I would, because of the spontaneous nature of my participation, inject a personal note, something I have never done since I left Congress and rarely when I was in Congress.

I have listened to the dialogue today about access for the disabled. And I have never put any of this particular sentiment in writing, but I was bothered. And I was much disturbed, as the father of a spina bifida son, by those enunciating kind of a cavalier disdain, at worst, and maybe a condescension, at best, about the inability of those who are wheelchair-dependent for life to ever really enjoy the special in-park experience that can be provided by an air tour.

After I left Congress I had the luxury of being able to visit a national park and took my son Mark. That experience for my son Mark—I was in the back and he was in the front—was, in Secretary Babbitt's words, the heart, the mind, the soul, the body of being able to see the vast overwhelming grandeur of the Grand Canyon in the context of the adventure of—in this case, it happened to be a helicopter but it could have been a fixed-wing, in the context of an adventure within the helicopter itself.

That enhanced and memorialized his experience, and to this day he regards that as one of the highlight experiences of his life. Not possible if he didn't have air access.

Thank you, Mr. Chairman.

Mr. OBERSTAR. Spoken as you always have, from the heart. I know Mark and I know that the pain and the love that the Santini family poured out on this very bright and determined young man who suffered a great disability through no fault of his own, just through the accident of birth. And you spoke very well for him.

Mr. SANTINI. Thank you.

Mr. OBERSTAR. Mr. Broadbent.

Mr. BROADBENT. Mr. Chairman and Members of the committee, I am Bob Broadbent. I am the Director of Aviation at McCarran International Airport. As usual, I always seem to follow the very well-thought-out and spoken words of Jim Santini.

Mr. OBERSTAR. He hasn't missed a beat since leaving the Congress in his ability to address an issue.

Mr. BROADBENT. It is my pleasure to be here. I have a little bit of experience in Grand Canyon, having been an Assistant Secretary in the Department of Interior, and the one that recommended the first studies of the releases of water out of Glen Canyon Dam, and was named as the person who was lead responsibility for those studies, and worked closely with the park superintendent and other people in Grand Canyon, none of whom I recognize anymore, they are all different and all changed, but—and have a great love for the canyon, as I a chance to fly in there by helicopter and watch the studies of the ecosystem going on at the bottom of the canyon, as we looked at the erosion of the beach and what was happening to the ecosystem for the benefit of the plants and animals that are down in the Grand Canyon, and from that have had a chance to tour, following behind Senator Goldwater one time at the August recess as we went down the canyon. And now I find myself looking a little bit higher, and looking at the flights over the Grand Canyon.

Las Vegas, as you know, is the primary destination or primary departure point for air tours to the Grand Canyon. And I think it might be interesting for you to know that in 1992 there were 587,000 people who went to the Grand Canyon who were foreign visitors. The bulk of those went by air. And the bulk of them came from Las Vegas.

If you look at your balance of payments or the importance of foreign visitors to our economy and the ability of those people to see one of the seven wonders of the world, they probably in many cases would not have been able to do it had it not been for the ability to take a flight out of Las Vegas, fly up to or out of Phoenix or any other area and fly up to the Grand Canyon and spend a day in visitation at the Grand Canyon and to be able to see that marvel. And so, as such, we have a real interest in it.

I am also concerned in the statements that are made about controlling the national airspace by some of the people that have testified today. If we were to believe there were 130 park units who are affected by overflights, which is what the National Park Conservation Association said, and one of those—many of those parks are off the end of major runways at major airports, and I can cite Na-

tional or Dulles or our airport in Las Vegas which has the Lake Mead national recreation area.

Indeed, Kennedy, which has a park off the end of its airport, and if you were to limit all overflights as proposed by somebody over these national parks, I would submit to you that you would close down the national transportation system.

So I recognize that that isn't being considered by this committee, but I also recognize that there are a lot of people who would push hard for that kind of an interpretation, and candidly, having sat as a bureau director as well as an Assistant Secretary in the Department of Interior, I would be a little concerned about the fairness and equity that the Park Service might look at as it judged who would and who would not be able to overfly any park.

Not that I don't have a great deal of respect for the Park Service. I do, and have a great deal of respect for many of the people that I have known through the years who are a part of that Park Service. But certainly not to that extent.

I guess, in conclusion, I would just like to indicate to you—and maybe I can read that part in conclusion, if I could, it is just a short paragraph or two. I appreciate the opportunity to present our testimony today and I urge the Departments of Interior and Transportation to carefully balance the evidence presented to them in their rulemaking before considering any further restrictions.

Air tour operators provide vital jobs and a \$250 million industry. We should not discard the concerns of the commercial air tour operators whose economic survival is at stake, nor the very favorable impact for the large and foreign visitors who have a definite impact on our balance of foreign trade.

Finally, we must preserve the integrity of the national airspace system, and in talking to the airports who are here for a convention the last couple of days, they all endorse that statement. And they are concerned about anything that might happen that way.

Further, I am concerned that through this, that we might look at control further over our airport-based system and further over the operations. We are at the end and our flights go over a national recreation area, Lake Mead, which has wilderness areas inside the recreation area. And if they were to control airspace there, they would have to shut us down.

And so I would hope that in your consideration you would look at all those factors. And again, thank you, Mr. Chairman and Members of the committee, for the opportunity to be here.

Mr. OBERSTAR. Thank you, Mr. Broadbent.

Dr. Hinkley.

Dr. HINKLEY. Mr. Chairman, thank you.

I was brought largely as an expert in the area of public opinion to answer questions and be prepared. As a researcher, I have noticed a certain pattern in the responses in testimony to the committee today. Government officials and agencies and services and departments have indicated they don't need a law, that they just need to use their rule make activity.

Our operators here have said they are operating within the guidelines and everything is working. I am sure when the manufacturers talk after us that they will say if you buy their equipment,

it will reduce the aircraft noise and increase natural quiet because they will probably broadcast some natural quiet over the area.

One thing that seems absent, though, is reference to the people, and the people who visit these parks and that kind of thing. Nine months ago the presentations in various news articles and magazine articles I was given showed, a reference to studies done by the National Park Service of visitors and the implication that visitors were in fact up in arms over the intrusion of aircraft noise into the items.

I was asked to look at these materials, and I was given access to a few summary documents, despite Freedom of Information access requests that were constantly put off. But witness you find and get a hold of the actual studies that were done, which have not been presented here, to my knowledge, only selected scientific equipment studies rather than ones dealing with real people have been presented, you find out some interesting things.

One, the studies were designed to sample areas of heavy aircraft flight and where people would likely experience aircraft intrusion in their visits; that the numbers that were presented to people in preliminary workshops and hearings were done so in a way as to exaggerate the actual numbers when you get the final report; and still, despite these kind of biases in the studies, the results show an enormously low impact. I will just cite a couple of numbers from the manufacturers Grand Canyon visitors survey prepared for the National Park Service and produced in January 1994.

The indication is that 91 percent of the people front country summer visitors which account for nearly 4 million visitors a year in the Grand Canyon, 91 percent found the number of aircraft they heard acceptable; 88 percent found the level of aircraft sound was acceptable; and 91 percent said the amount of time that they heard aircraft was acceptable.

Now, this is an interpolation from the data because they present the numbers for unacceptable but they make it clear in the footnotes that the opposite is true when you turn the numbers around.

In terms of natural quiet, interfering with visitor enjoyment of natural quiet, 86 percent said it did not interfere in this area. Only 91 percent said they were not annoyed by the hearing of the aircraft. And 92 percent said there was no interference with visitor enjoyment.

And I think the fact of the matter is that in areas where the flights are the heaviest, where the front country visitors experienced the most impact per time, unit of time in a visit to the park, you have these enormous numbers saying they really are not bothered.

Earlier the panel preceding us indicated when you asked some questions about natural quiet, each of them had a slightly different answer, and in fact public opinion indicates that each individual will carry their own definitions of natural quiet, but no matter what that definition, the results of the National Park Service study show that the people are not in any large numbers or any serious way affected by the intrusion of aircraft as currently operating in the Grand Canyon.

To conclude, I would simply say one should be wary of data presented that is not in its original form and in the reports. I know

the Congressional Research Service has an arm that works very carefully at public opinion. I have worked them in the past and I have high regards for them.

I would suggest close scrutiny be done before any decisions are made on some of these matters.

Thank you.

Mr. OBERSTAR. Thank you, Doctor. I appreciate your testimony and your contribution for this hearing. It is very important.

Our last witness in this panel was kind of a surprise witness. We are glad to have you. Representing the Blue Hawaiian Helicopters, Yvette Kallauolopua.

Ms. KALLAUOLOPUA. My name is Yvette Kallauolopua. Thank you.

Mr. OBERSTAR. I came close.

Ms. KALLAUOLOPUA. I have traveled many miles to be here today to express to you my concern about the current situation. I am one of the owners of Blue Hawaiian Helicopters. We have our tour operations based on both Maui and the big Island of Hawaii. I have been in the tour industry for about seven years, and feel that regulation is not the way. To continually seek cooperation amongst all the parties is the way, however.

I am of Hawaiian ancestry. I was born on Maui. I was raised there, educated there, and I raised my family there. So my sensitivity to life in Hawaii is genuine, as it was and as it is now.

Having worked hard raising my children as a single mother, I saw an opportunity to become a part of an industry that would make contributions to the visitor industry, to educate visitors about Hawaiian culture, about its history and geography and geology. And not only the visitors but local residents as well.

On Maui, our industry has found a way to show our passengers, with minimal impact to hikers, the crater. We have demonstrated our willingness to work and find solutions very clearly over the years. On the big island we can avoid areas where hikers congregate.

Solutions that are workable will come from a process-oriented course of action. So it is extremely important to us as an industry that we find a workable solution, not particularly a legislative one, but a workable solution to this very complicated matter.

And that is the end of my statement.

Mr. OBERSTAR. Thank you very much. You came a very long way to deliver a very succinct and to-the-point statement.

I think the combined statements in their substance and breadth of material covered just about responded to all the questions we asked earlier. But I would like to just cover points asked of previous panels.

And I know this group has generally proposed and advocated a Federal advisory committee to set standards. That may be something we want to consider at a later date, when the rulemaking is completed for both Grand Canyon and Hawaii and broader rulemaking is concluded, and we decide then whether legislative action is necessary.

But the proposal so far advocated by both the Park Service and the FAA of establishing minimum altitudes, noise mitigation, operational procedures, flight-free times during the day, flight-free



zones, and overall noise budget, and requiring the use of the quietest aircraft possible, are a set of management devices that seem to be reasonable, at least in their overall proposal.

Now, how those are spelled out will determine how people respond to them, such as the map presented by Mr. Anderson, which I think was a very important contribution, showing the current flight patterns as compared to the previous flight patterns before the agreed-upon limitation on routes.

Mr. Anderson, you said, and very persuasively, as did other congressional witnesses, including Senator McCain earlier in the day, that at the time the limitation on flights was proposed there was great fear it was going to sink the industry. It didn't; it has thrived and grown. There are few industry segments, few tourism segments that have grown anywhere near as much as this sector has. So it is an enviable growth, under rather significant regulation.

Could you, Mr. Anderson and Mr. Santini, address for us your reaction to these elements of a policy and of a management program?

Mr. ANDERSON. First of all, I would like to address some of the issues that you talked about in terms of flight-free zones. We have them in Grand Canyon. They are working very well. And we think at Grand Canyon, where you are flying 800,000 people a year, it is appropriate, and it is doing its job of separating aircraft noise from users on the ground, which we have supported.

Mr. OBERSTAR. You wouldn't have objection to that kind of policy obtained in other park areas affected by overflights?

Mr. ANDERSON. At that level of activity I think that would be appropriate. But one of the concerns I have, I went to a meeting in Moab, Utah, and they were considering recommending that sort of regulation for Grand Canyon for the overflights there.

And I said, Well, how many overflights do you have here at Canyon Lands National Park? And they said, Well, about 600. And I said, 600 overflights a year; that is about 50 a month.

I mean, is it necessary to have an SFAAR like we have at Grand Canyon, which is very expensive to try to maintain? There is a special FAA unit at Las Vegas dedicated specifically to that SFAAR. The answer is really no, it is not appropriate to use that sort of regulation at other parks that have such a small number of overflights. And that is what we are concerned about, is that that would be put into place in those areas.

Mr. SANTINI. I think, Mr. Chairman, there are flight-free zones and there are flight-free zones. The number that was eluding the witness this morning is I think 86 percent of Grand Canyon is designated flight-free and four principal corridors are accessible.

I have seen a proposal that has been advanced by Grand Canyon Trust, and if I understand its practical implications, it would excise the western end of the Grand Canyon, declaring that in effect over a designated number of miles a flight-free zone. I am informed by those who know far better than I that if that were added to the context of Grand Canyon, the existing off limits areas for flight access, commercial and other flights access, the pragmatic consequences to be to essentially shut down the very viable and dynamic air tour access industry in most if not all of southern Nevada, because of the economics of time and the economics of access.

So I think as an abstraction, flight-free zones will certainly be a consideration that is weighed in on by FAA and National Park Service. I would only hope that as they engage in this give and take of designated flight-free zones in whatever 130 national parks they are evaluating that they will fairly allow those in the industry who have the experience and time in the air and on the ground within the industry to be able to present their perspective and judgments about the practical consequences of drawing lines on a map that may in fact not only reduce noise but eliminate the industry and the exercise of those—

Mr. OBERSTAR. Don't you think it should be done through a rule-making process—

Mr. SANTINI. Yes.

Mr. OBERSTAR [continuing]. That the FAA follows? There is public commentary, response, beginning with ANPRM, and then a commentary period, then a response, before there is a final rule-making.

Mr. SANTINI. I totally concur in the general observation you made at the conclusion of this morning's—your preliminary statement this morning, Mr. Chairman, that let's let this process work its will, or perhaps it was at the conclusion this morning, but let's let this process work its way and see where it takes us, and if it gets off track, we may interject ourselves legislatively if that becomes an imperative, but for the time being, let's see how that process shakes out.

My concern, at least to date, is that it is not apparent to me, perhaps it is too premature, but nonetheless, there is a lot of apprehension on our side of the table on this issue that we really haven't had a meaningful opportunity to engage in any factual presentations, with the exception of the March conference in Flagstaff, then finding a balanced workshop exercise.

Mr. OBERSTAR. And today's hearing.

Mr. SANTINI. Pardon me?

Mr. OBERSTAR. And today's hearing.

Mr. SANTINI. Today's hearing is a marvelous opportunity to participate in the process, Mr. Chairman, and the kind of opportunity we are looking for more of. And really all we want to be is part of the give and the take, the mix of the fact-finding exercise, and not have conclusions superimposed on us, flight-free zones being an example, that didn't in any way, shape, or form take into consideration the pragmatic consequences of their imposition.

Mr. OBERSTAR. Thank you.

Mr. BROADBENT. Mr. Chairman, there is one other thing you might consider in those type of things, and that is the type of aircraft. There are a lot of aircraft that are considerably less noisy than others, and I think that may affect a lot of things that happen for a lot of parks and a lot of issues of overflights, and so I think that should be considered.

Mr. OBERSTAR. That would come under the rubric of use of quiet aircraft.

Mr. BROADBENT. Yes.

Mr. OBERSTAR. Mr. Clinger.

Mr. CLINGER. Thank you, Mr. Chairman. I want to thank the panel for all of your contributions. It is very helpful, I think, as we

grapple with this very difficult issue that there seems to be a polar divergence of views on the issues, but I am going to ask Mr. Sullivan about what the National Park Service said this morning where they indicated they believe that even though the FAA rule, SFAR 50-2 limited the number of aircraft routes to about 60 percent of the park, that the route did not take into account that the sound of noise carries that far beyond these new condensed corridors and routes, but that suggests that there ought to be a change in the flight routes implemented or, you know, is there any way to solve that?

Your changing routes is not going to ultimately address the noise problem, is it?

Mr. SULLIVAN. Congressman, that is an excellent question. I would need to ask the Park Service official for the evidence to support that claim and the noises intruding deep into the flight-free zones.

The evidence that we have examined indicates that the majority of back country users are not annoyed by the aircraft, even the groups that go deep into the back country.

But to enlarge on that a little bit, the idea that—how we can limit the number of flights, or your question about the number of flights, we would oppose that. We believe the present system as set up in the Grand Canyon is an excellent system. It was designed to separate the user groups with the air tour visitors being regulated on very, very narrow corridors that overfly a very small number of parks, and we believe that is the answer, and we believe that is in the Grand Canyon anyway. I can't speak for the park outside Moab, Utah or the Hawaiian situation, but in the Grand Canyon, we believe the SFAR system we created in a complex air tour route system has accomplished all of its goals and Congress should be applauded for stepping into this in 1987 and setting up the over-flight act.

I think the FAA did a marvelous job in creating this system. I think the NPS did an excellent job and the industry did an excellent job. We believe what we have in the Grand Canyon is a win-win situation for everybody in that the industry is allowed to operate and grow and prosper and employ people and grow our companies.

The ground users are not impacted, so we have a problem with suggesting that what we need to do is have further restrictions. We don't believe the evidence supports that.

One other thing I would like to comment on is the subject of growth. There has been quite a bit of statements made today about the growth of the air tour industry. That is simply not true. The industry has grown, but the fact is no one really knows the number or the extent of the growth. There is no data presently kept by any government agency that has been compiled to date that would indicate what a growth number is.

The closest thing we have to it is within our industry, we did a survey. We had one of our members go back historically through their operational records, and its Scenic Airlines, which is the oldest and largest tour operator in the Grand Canyon, and their records indicate that the growth of the Grand Canyon industry was approximately 6.8 percent per year prior to 1987, and then it has

declined to about 5.9 percent per year. This is hardly explosive or dramatic growth.

When the national economy grows at a rate of about 3 percent a year, it is called anemic growth and everybody wrings their hands and gets worried. Our industry growing at about 5.8 percent a year over the last several years could hardly be called dramatic and explosive. We hope we continue to grow. We hope we continue to provide the opportunities we do for employees and the opportunities we can provide for visitors, but I just want to—I wanted to take the opportunity to comment on the growth issue which we disagree with.

Mr. KLINGER. That was the point made by the National Park Service, I think, in which they even stated that the SFAR 50-2 was working quite well, but that the problem was not that the SFAR was not working, but there had been such a tremendous increase in the number of flights, and you are saying that in the Grand Canyon was a modest—

Mr. SULLIVAN. Simply not true, Congressman. It is simply not true. Again, we have to get some evidence. Whenever they say these things, we have to ask for evidence. When we dig into the data and say how can you support a statement like that, it simply is not there.

You know, where is the evidence that the industry has grown exponentially and the industry has grown dramatically and explosively? It is simply not true. What they have done is they have taken the operational data at Grand Canyon Airport, the FAA tower controller, landings and takeoffs, and they say, okay, this is the evidence of growth.

Grand Canyon Airport is one airport that serves the Grand Canyon. There are four airports in Nevada where the majority of traffic is coming out of that that are not being considered at all. So they zero in on one little airport and say, uh-huh, this airport has received a lot of growth, therefore, the Grand Canyon industry has grown dramatically and explosively. It is not true. You cannot state that.

Another mistake they made is they reported the baseline for this growth figure is a 1977 report. This airport report that says the number of aircraft operations at that airport were 4,600 per year. Well, we have learned to back up all of these statements and all of these studies and research the data ourselves, and we found out that the number of operations in 1977 were 46,000 per year. They had misstated or somehow botched that number by a factor of 10. So we disagree entirely with the statement that our industry has experienced explosive and dramatic growth. It simply is not true.

Mr. CLINGER. This morning I asked the Park Service people whether—to what extent they were complying with the requirement in the Public Law 103-106 to collect specific fees for every flight over the park and the record was very shoddy. Some were complying voluntarily. Some were not complying at all. They were only sending mail to them and if they didn't get a response, nothing happened, and I guess my question to those of you who are involved in this industry, have the air tour operators been paying the fees, and if not, why not?

Mr. SULLIVAN. I would like to answer that, Congressman. I am very glad you asked that question. The first letter from the Park Service to the industry went out last March, as they stated, in which the operators were requested to report their activity levels to the superintendent of the two parks in question, the Hawaiian parks and the Grand Canyon. The problem was, two-thirds of the operators didn't receive the letters. The one-third that did receive the letters didn't receive certified or registered letters, so the Park Service at that time had no record of who received the letters. We knew from our survey that two-thirds hadn't.

The one-third that had were at a competitive disadvantage because their neighbors who they compete with aren't paying the fees, never will pay the fees because they have never been notified that they have to or how to do it. So we had a problem on our hands.

So the industry took it upon ourselves to write the Secretary of Interior informing him of the situation that somebody is botching this overflight collection fee, that two-thirds of the operators have not been notified at all, and the one-third that have been notified, there was no requirement, no certification process that they even knew who received the letters.

So about a month ago, they corrected that and sent registered mail this time to all the operators. Now, the gentleman at the Park Service reported that they have received with his second mailing, they received 20 replies to the Grand Canyon. Well, that is about 110 percent compliance because there are only 18 tour operators, serious dedicated tour operators in the Grand Canyon.

That is another issue, the number of tour operators is not 42 or 44 as are reported. There are that many operators on the books who have the authorization to fly in the Grand Canyon. In reality, there are about—there are 18 operators who do this for a living.

There are operators in Oklahoma and St. Louis and all over the place who have the authorization, but never fly in the Grand Canyon. They just happen to go through the motions and went through the process to get a Canyon certification.

So of the 18 tour operators who are in reality Grand Canyon tour operators, if 20 of them have complied, there is actually two more complying than exist. So I would say that if there is a problem with collecting the fee, we have the issue—the problem is not on the back of the air tour operators. There has been a certain—a great degree of confusion and mismanagement of even the notification of how we should pay this and who to pay it to.

Mr. CLINGER. You are saying now that that has been corrected as a result of the second mailing, that the people should be aware of what the procedures are for making payments and are payments being made?

Mr. SULLIVAN. I would say the notification has been collected. There still is a great deal of confusion within the industry about some of the specifics of that. The overflight fee setup or situation is fairly complex. For example, you fly an air tour out of Las Vegas to the Grand Canyon. You can fly through different units of the SFAR on your way to the Grand Canyon.

Is each entry required to pay a tour fee? The return flight back to Las Vegas, you climb up to—you take what is called a direct

route or one of the blue direct routes which goes through the SFAR, goes over the Grand Canyon, but is not a tour.

The flight by design, by the FAA design, gives the operators an opportunity to scoot strictly back to Las Vegas, not drop back into the Grand Canyon to do a sight-seeing flight. Is that direct flight charged a fee?

All of these questions, there is a great deal of confusion out there with the operators. You are a small business person and you have got to figure out what monies you should pay, and it is not clear at all, some of the necessity of this overflight fee how much you should pay and what the interpretations are of the law.

I will say there is going to be a lot of people that won't pay because they don't understand it. There has not been adequate clarification and there has not been even adequate notification until about a month ago of what is going on.

So it is a tough issue right now and we need a little bit of guidance from the people collecting these monies about some of these questions I just raised.

Mr. DECAMP. I could speak on behalf of Hawaii which was mentioned this morning, Mr. Chairman. On the Island of Maui, and I did have this in my testimony, we reached an agreement several months ago with the park superintendent there for noise mitigation purposes which also allowed the operators to fly outside of the park so that they don't have to pay the fee there.

They do go into the park in one tiny corner, not as part of their tour, but for noise mitigation purposes, they fly inland instead of offshore and the park has agreed that that does not require a park fee.

So to report that—I think it was like two of the operators on Maui had paid out of the nine, may be correct. That may be absolutely correct because perhaps those two operators did have to take a flight across the crater and we did agree to pay in that case.

On the big island it is not quite as simple as that, but several operators have told me they are avoiding the park boundaries and not paying the fee. They are doing a tour outside the park boundaries. We haven't been able to nail down how true and accurate that is yet, but there is also confusion in that regard on the big island. But the numbers that I heard this morning are probably correct for Maui, at least.

Mr. OBERSTAR. Thank you very much.

Mr. Coppersmith.

Mr. COPPERSMITH. I guess let me follow up. Mr. Anderson, Mr. Sullivan was out—I guess let me qualify his testimony, is that there aren't accurate statistics on the growth of the industry.

I assume that would call into question some of the statistics about the economic impact, for example, and the number of jobs, that we really don't know, or are there better statistics on the Arizona side than there are on Nevada?

Mr. ANDERSON. Well, both of the associations have conducted surveys of their own members, and that is where we have derived the economic impact information, but as John has indicated previously, the industry, although 18 of the operators do probably 90 percent of all the flights, there are some other operators out there

conducting flights. There is no comprehensive information that is available.

In fact, I have been working recently with the FAA who is doing their capacity study on this, and that is one of their big frustrations that they have acknowledged to me is the inability to come up with some hard data on that information.

So we are working with them on that in terms of conducting surveys of our operators to go back and get some of that historical information so we can provide some of that factual information. Once we are asked for it, we are happy to provide it.

Mr. COPPERSMITH. But I guess we should take some caution in some of the economic impact statistics if there really isn't historical data available here or that hasn't been compiled at least on your side.

Mr. ANDERSON. Only to the extent that you could say if that is representative of our operators only, perhaps there may be even more economic impact.

Mr. COPPERSMITH. And I guess the other question would be to get some sort of sense more directly with the reactions to the advanced notice of proposed rulemaking, which proposals to restrict or regulate flights in national parks are absolute killers, which ones are potential killers, depending on how they work, and which ones can we talk about? Get some sort of sense from the various parts of the industry.

Mr. DECAMP. Yes, it does depend on which ones in which park. I meant to comment on that earlier, that, for example, the H.R. 1696 is flawed in several ways because there are blanket stand-off distances and minimum altitudes which, in one case, if it were enacted, we would actually be required to close one of our State international ports, an international airport because it lies in a no-fly area.

In another case, provisions would place air tours in an area of strong prevailing northeast trade winds severely reducing safety, and in another, it would make it impossible for passengers to reasonably view the primary scenery included in most of the air tours in that area. Even the hikers are warned to stay out of that area.

So it was too broad. It was just a knee-jerk reaction, perhaps. It was actually not designed originally to solve the problem in the park. It was designed to hopefully solve the problem of overflights of the community on the way to the park, and so if a broad-brushed approach like that were taken, it could be devastating.

Mr. ANDERSON. I am concerned about, I think, Congressman, more than anything else, the fact that here is an example of actions being taken that does not have the evidentiary support for that action.

There has been nothing that has been put forth in our estimation, according to the reviews that we have undertaken and those that you have heard testified today, which substantiates any of the conclusions that have been drawn in the front portion of the ANPRM, the preamble to that, nor that any of those options are really necessary, that the SFAR itself isn't—for example, the Grand Canyon isn't capable of being just adjusted in such a way that it can address the concerns that are there.

You know, we have made some specific recommendations in that regard.

Mr. HARRISON. Congressman, from a technical point of view, two of the proposals which have less technical merit even than some of the others are blanket altitude restrictions and noise budgets. Altitude restrictions are often counterproductive because the extent of the impact gets greater as the airplane gets considerably higher to altitudes that are completely impractical, in many cases, and noise budgets are devilishly impossible—devilishly difficult to manage fairly and very easy to manipulate. It is a bad idea drawn from air pollution where a lot of noise regulation seems to come from, and it really—although some academics have proposed them, have not worked out from a practical point of view.

Mr. OBERSTAR. Mr. Horn.

Mr. HORN. Thank you very much, Mr. Chairman. I address the question primarily to Mr. Sullivan, perhaps Mr. Broadbent, but you are all free to get into it. I am just trying to clarify in my own mind the database on which some of the judgments are being made, and you partially answered it in response to Mr. Clinger's question, but as I understand it, the aircraft operators claim that there is not a dramatic increase, and you so said that in response to Mr. Clinger, and that the activity records are—at the Grand Canyon National Park Airport are primarily the basis for the judgment as to the percent of growth increase and everybody seems to agree, based on those records, that the periods 1979 to 1988, we are talking 6.8 percent annually, and since the SFAR 50-2, we are talking from 1988 to 1993, 5.9 percent on the average.

Now, the holes in this are, number one, how many flights fly out of the Grand Canyon National Park Airport on a daily basis that actually have anything to do with the Grand Canyon? Are all of them, 90 percent, 80 percent, et cetera, or are they just going somewhere else? That would be certainly one question, and I just wanted—let's answer that and then I will get to the next one.

Do we have those data?

Mr. SULLIVAN. No, sir, we don't. We don't have an answer to a lot of those questions. The FAA does not require the operators to keep that data so the operators don't keep that data. No one has that information. That is why we believe it is wrong to make those type of statements which are based on nothing. That data does not exist.

The numbers I gave you, 6.8 and 5.9 percent are an estimate from the industry done by our largest operators, scenic airlines, going back through their 26 years of history, and I would say that is probably the closest number there is, and that is an estimate based on their activity.

Mr. HORN. That is the estimate simply of those flights that are going to show the passengers Grand Canyon in some way as part of a tour or whatever; is that correct?

Mr. SULLIVAN. That is their estimate of the industry activity over the last 15 years or so. Now, a lot of the Canyon activity does not go to the Grand Canyon Airport.

To answer another one of your questions, there is a lot of activity coming and going into the Grand Canyon Airport that is not air tour activity. There is a private general aviation activity going in



and out of there. There is commercial activity that has nothing to do with tour flights. I am sure Federal Express and some of the other carriers go in there. There is a scheduled carrier going into Grand Canyon Airport that has nothing to do with the Grand Canyon. It is just flying a direct route from Las Vegas to the airport. So there is a lot of activity at that airport that is not air tour activity.

As well, there is a lot of air tour activity that doesn't go to that airport. There are round trips into the west end of the Canyon from Las Vegas that don't go anywhere near that airport.

Mr. HORN. That is my next question, which is—in other words, we have got a false basis of data here when we are only looking at one airport. That has been said several times. So then we are talking about the other airports that provide tours into the Grand Canyon, and while there is a few that might have permits from St. Louis or wherever, the fact is, that is an idiosyncrasy. The real volume is coming either from Grand Canyon Airport or the four in Nevada that have been mentioned.

Are there any other large volume contributors to the travel that might be going over Grand Canyon for tour purposes?

Mr. SULLIVAN. No, sir, not large volume. There is some small volume places, Prescott, Arizona, Scottsdale. There is an operator out of New Mexico that has the authorization that comes in every once in a while, Sedona, Arizona, Page, Arizona, there is traffic coming in from Lake Powell, Page, Verona, so there is a number of additional airports with a small volume of traffic, but what you stated was absolutely correct. There is the four airports in Las Vegas—I am sorry, in southern Nevada, and the one airport right out of Tucson in Arizona, which are the volume airports.

Mr. HORN. Now, none of these I gather, if your first statement about the Grand Canyon Airport is true, none of these really maintain specific records of the flights that are available to the Park Service or has the Park Service not asked for it? They have a record of the flight, I understand that, but has the Park Service ever gathered any data, set any standards so they would have the data?

Mr. BROADBENT. I don't think the Park Service has any real good records of flights in and out of any of the airports. I think the people who would have it would be the air traffic control people and Grand Canyon Airport is also administered by the Las Vegas traffic control people, but out of those four Las Vegas airports, two of them are not under the traffic management of the air traffic control system and so having talked to the head of the air traffic control in Las Vegas, they are trying to reconstruct a lot of this information because they now have some responsibility in the management of that airspace, and they are having a very difficult time doing it because the records just aren't there.

They have records of commuter flights, a Grand Canyon tour operator is considered a commuter flight, but he may take off and they may file a flight plan and some of them just file a standard flight plan, and it is very difficult to find those statistics.

Mr. HORN. Obviously when you are flying over the Grand Canyon, you have a unique perspective that the people on the ground don't get, but there are likely to be still certain points that you are

always going to make sure you give the tourists a vista on that from the air.

What are those major points?

Mr. SULLIVAN. Congressman, the Canyon is so large, I can answer that from my company's perspective and maybe Dan can from his company's.

Each operator has certain authorizations they can go inside the Grand Canyon. This is a complex system. My company operates on a route called a Green 4 Route, which is the western end of the Canyon. We round trip into the west end of the Canyon and back to Vegas. We never go on about 90 percent of the routes inside the Grand Canyon.

Likewise, some of the east-end operators, they stay to Marble Canyon or they stay to Dragon Corridor or Zuni Point. We could name a number of those points. I am not familiar with them. On my route we just go to the west end. The majority of our flight is over Walapai Indian Reservation, it is not over Grand Canyon National Park.

We do a two-and-a-half hour tour, of which 10 minutes is over the national park. We have a landing in the bottom of the Grand Canyon with the helicopter on Indian property right in the bottom of the Grand Canyon with a contract with the Walapai Indians. So that location is a prime sight-seeing point for our customers. It is called Canyon Quartermaster Point is where we land.

A couple of other very scenic areas that are popular with our customers, is a Canyon site called Bird Springs Canyon, and a canyon called Separation Canyon, which is an historical point because that is where John Wesley Powell's first trip down the Grand Canyon, his party separated, and three of the nine men in the group deserted the main party on the river, separated from that party and hiked out and were subsequently killed.

So that is a point or a high point on our narration of the tour because it was—its historic significance as well it is a beautiful place. But I will pass the microphone to Dan who has some more expertise on where some of the high points are in the Grand Canyon in the eastern end, which I am not familiar with.

Mr. OBERSTAR. I caution you, you have about 30 seconds to respond.

Mr. ANDERSON. If I may, first of all, I would like to address the issue of growth from the standpoint of the fact that it has occurred as a result of demand, that park visitors are demanding air tours and that is why the industry is growing, and our position on that is, isn't that great that we have a sector of our economy that is growing and that is able to serve the people that want to see national parks this way and in a fashion that does not damage the park at all.

Second, that noise is confined to those routes that we have talked about so it doesn't matter how many flights you put over those routes. If it is confined to those areas and they are noise-free areas already, I am a personal witness to that, then really it is irrelevant the number of flights.

In terms of the east end of the Canyon, I would say the Colorado River, particularly the confluence between the Colorado River and the Little Colorado, the north rim, the Dragon Corridor offers some

spectacular scenery, and that is one of the items that has been mentioned is the possibility of closing that or even moving it significantly, which would deprive some tremendous scenery in that area and in the west end around the—outside of the Havasupai Indian Reservation it is a beautiful area. So all that we have right now is significant and there are significant areas that we can't see and we need to keep it the way it is.

Mr. OBERSTAR. The gentleman's time has expired. We thank this panel for their voluminous contribution and very useful and helpful insights into this issue and presenting the viewpoint of the tour operators, which is extremely important in this discussion.

**TESTIMONY OF PHIL BOYER, PRESIDENT, AIRCRAFT OWNERS & PILOTS ASSOCIATION; WALTER S. COLEMAN, PRESIDENT, REGIONAL AIRLINE ASSOCIATION; FRANK L. JENSEN, JR., PRESIDENT, HELICOPTER ASSOCIATION INTERNATIONAL; ED SCOTT, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF STATE AVIATION OFFICIALS; ANDREW H. LOGAN, VICE PRESIDENT, GENERAL MANAGER, COMMERCIAL PROGRAMS, McDONNELL/DOUGLAS HELICOPTER SYSTEMS; JAMES K. COYNE, PRESIDENT, NATIONAL AIR TRANSPORT ASSOCIATION; RAYMOND J. ROUGHT, DIRECTOR, OFFICE OF AERONAUTICS, MINNESOTA DEPARTMENT OF TRANSPORTATION; AND JONATHAN WIDDIS, DIRECTOR OF AVIATION, ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES**

Mr. OBERSTAR. Mr. Phil Boyer, President, Aircraft Owners & Pilots; Walter Coleman, President, Regional Airline Association; Frank Jensen, President of the Helicopter Association International; Ed Scott, National Association of State Aviation Officials, Andrew Logan, Commercial Helicopter Division for McDonnell/Douglas; Jim Coyne, President of the National Air Transport Association; Raymond Rought, Minnesota Department of Transportation, home State product, Mr. Jonathan Widdis, Director of Aviation for the State of Alaska.

Mr. Coyne, we will begin with you. We welcome you back to the House in an official capacity, and we recall your service here when you served in the House, and we are delighted to have you with us today and see the—see you are newly invigorated with the new challenge and the great opportunity to serve with the Air Transportation Association. It is a great opportunity for you and we wish you well, as I know you will do well.

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

Mr. OBERSTAR. We have your testimony in full. You can summarize as you wish. I would caution all witnesses that it is now almost 4:30. I want to hear what all you have to say. You don't have to say it in full.

Mr. COYNE. Mr. Chairman, with your permission, I would like my full testimony in the record, but I will try to summarize it if I may briefly.

It is a great honor to be before you as the subcommittee deliberates the question of legislation and regulation affecting scenic overflights of our national parks. I cherish many special memories of working with you and other subcommittee Members during my

years in Congress, and I understand the commitment that each of you have to our Nation's public resources, including our national parks and the national transportation infrastructure, and it is crucial to their enjoyment by our fellow citizens.

My name is James Coyne and I am President of the National Air Transport Association, or NATA, NATA represents the interests of the aviation businesses of America, large and small, that operate and service aircraft for both public and private use. Our membership includes on-demand air carriers that conduct air tour sight-seeing operations at the Grand Canyon National Park and elsewhere.

Although my interest in aviation is obvious, like you, I am proud to say that my love for and respect of the national parks is second to none. As a Member of Congress, I was cochair of the Environmental Study Conference. As a member of the White House staff, I worked to build public support for national park service programs. Most importantly, as a citizen, I have had a life-long love affair with America's national parks, forests, monuments, seashores, memorials, lake shores, preserves, and battlefields.

One of the primary reasons my wife and I learned to fly in fact was so we could extend our reach to national parks across the country. In just the past few years, we have visited nearly 50 National Park Service facilities from Acadia to Yosemite, from Denali to the Virgin Islands. We have hiked and horse backed, swam and skied, rafted and rock climbed, spelunked and snorkeled, camped and canoed, backpacked and bivouacked; and through it all, I have tried to instill in my family the utmost reverence for the environmental values that we all must preserve together.

We have learned that the only things we should leave behind are our footprints. We have also learned that the most wonderful way to see the USA is from the air. Our family vacation in 1991 is illustrative. Over three weeks we flew in our 28-year-old airplane to South Dakota, Montana, Wyoming, California, Arizona, and Colorado, to see Mount Rushmore, the Wind Caves, Devil's Tower, Yellowstone, the Tetons, the Golden Gate, Muir Woods, Yosemite, Death Valley, the Grand Canyon, Mesa Verde and the Great Sand Dunes, not to mention Alcatraz, where I felt like leaving my three children at times.

Like most Americans, our schedules are limited and the best experience for us is one that appreciates the limited time we have available. I would love to take off six months and hike the length of the Appalachian Trail, but that will have to wait. In the meantime, I don't want my family to miss the diversity and wonder of our country's natural resources.

There is no doubt that the Grand Canyon was the highlight of our vacation that year, but just as someone once said that the only way to cross the Atlantic is on a steamship, it is clear to me and to millions of others that you will never fully appreciate the Grand Canyon until you see it from the air. We flew in from the western end with the sun behind us and were treated to the most wonderful view that America has to offer. Nothing, absolutely nothing compares with that endless spectacle, nearly 300 miles looking east over the serpentine course of the Colorado River.

If there is any reason that God gave to man the genius to invent the airplane, it must have been because he wanted man to have that view. I suppose that the question before you today in the simplest sense is whether you think it is right to take that privilege away from all Americans. I admit there are some that want to prohibit all Americans from seeing our country's most wonderful sights from the air. I feel sorry for them. Not because they are selfish, self-centered, or elitist, though they may be all those things, not because they may litter and pollute and vandalize, though surely a few of them do. I feel sorry for them because they have lost their sense of wonder and adventure. For them there is only one way to see America. They may have become landlocked Luddites who assert that only their way is ecologically pure.

Most Americans have a different vision of our National Park System. They understand that visiting our parks by air is the least damaging way to see them. We leave nothing, not even footprints behind. Isn't that after all the most important factor for us to consider. If we are to protect the Grand Canyon for all Americans to enjoy, we must choose and promote a transportation infrastructure that will permit millions of visitors to see the park without damaging it, and believe me, millions and millions of visitors are on their way.

You see the example I gave you this morning of our family's ongoing love affair with our national parks is not some aberration of a national park junkie. It is the expectation that more and more Americans share, that their Park Service, their park system is there for them to visit.

Allow me to offer a very unscientific survey at this point, although I suspect my science may be considerably better than the so-called research presented by some of our opponents. Look around this room. Would everybody who has personally visited the Grand Canyon raise their hand?

As I suspected, a very substantial proportion. Now, consider these facts. Just two generations ago, less than one-tenth of 1 percent of all Americans had ever seen the Grand Canyon. One generation ago, only about 1 percent of us had seen the Grand Canyon.

Today about 10 percent of all Americans have seen the Grand Canyon, but if you ask the typical American or typical parent today whether they want to see the Grand Canyon, probably with their children sometime in their lifetime, you will find that it is a goal, in fact a high priority of 80 percent of Americans today, our constituents. Even if all air fares to Las Vegas weren't at all time lows, even if millions of minivans weren't streaming across the interstate highway system, even if the greening of America hadn't made our national parks the number one tourist destination for most vacationers, the sheer force of demography would tell the story of our parks in the decades ahead.

Like the people who raised their hand in this room, we are a Nation of park goers and we are on the move. There are 30 million baby boomers who haven't yet seen the Grand Canyon. They are on the way, with an even bigger and more mobile generation waiting in the wings, not to mention the legions of foreign visitors, tourists flying to America.

Is it the intent of our opponents that each of them, at least those who meet the weight limitation of 200 pounds, take the mule ride down to the Canyon floor? Or will the trails be clogged with millions of hikers fracturing rocks, eroding hillsides, picking flowers and treading on fragile desert flora? Or are the hoi polloi doomed to face a rationing of the park experience, as most government monopolies seem to prefer. Those who can make reservations years in advance, those who can pull strings to book a trip on some VIP only tour or those with a proper environmental or political credentials may be able to win the park rationing game, but most Americans will have to settle for no experience at all.

Americans don't want their government to ration their parks. They want to do what you and your committee have successfully done for decades, plan for the future in a way that guarantees access to the parks for anyone who wants to come as long as the park's environment is protected for future generations. That is what air tourism is all about, giving Americans the access to the parks they want in a safe and environmentally responsible way.

As you think about the needs of America, its citizens, its parks and its transportation infrastructure in the 21st century, we hope that you will see that air tourism is part of the solution. On your next visit to the Grand Canyon, allow us to show you what we hope to show to a million other Americans this year, the wonder of seeing our Nation's greatest park from the air. This is a park experience that you will remember for a lifetime and when it is over, you will know that you left the park the same way you found it, ready to give some other visitor the thrill of a lifetime tomorrow.

Thanks very much.

Mr. OBERSTAR. Thank you, Jim, for very heartfelt deliberative testimony.

Mr. Boyer, welcome back to the committee, this time in a different context.

Mr. BOYER. Congressman Clinger, Chairman Oberstar, thank you and I have submitted a written testimony. I will deviate from that to make it briefer and shorter, and indicate to you, as you already know, both of you, that AOPA represents as of Friday some 330,000 general aviation pilots and owners, a number that is going up rather than down in the marketplace. They are 60 percent of all the active pilots in the United States and our members own at least three-quarters of the aircraft in this country.

It is interesting that all through the day today we used the Grand Canyon as an example, because really the Grand Canyon in this entire overflight controversy is unique in many aspects. All of us who are pilots will agree there is unusual terrain and there is a high volume, as you have heard in the panel before us, of tour operators.

Whether the Grand Canyon or elsewhere, a lot of what we are trying to do today is determine natural quiet. It seems to be so important in all these discussions. We all think of the national parks in their purest sense, the secluded, the quiet, the wilderness areas, and we think of that as all the parks, but all national parks are not the same.

In the million acres covered by the National Park Service, for instance, the joint rulemaking statements of both the FAA and the

NPS refer, for instance, to the Statue of Liberty National Park. Now, as you know, Mr. Chairman, I was a long-time resident of New York City where we gave up noise control years ago and learned to live with the garbage trucks at 4:00 a.m. in the morning if you lived in Manhattan, but I wonder how limiting a few flights around the Statue of Liberty would ever make a difference in the overall noise level of that environment, much less wildlife, if any exists there.

But I would like to demonstrate this visually and orally. Harper's Ferry—we didn't travel to New York City. Harper's Ferry is in easy reach of our venue here in D.C., so as Warner Wolfe would say on sports, let's go to the videotape and try to define this natural quiet.

[A video tape was shown.]

Mr. BOYER. This is a typical aviation airplane, a Cessna 172 flying at an altitude of 2,000 feet above the ground. I would maintain that is the only scene in that whole one that you can hear the birds chirping in the background.

We support the FAA, as you have heard through the day, as the final authority in the regulation of our airspace. That, as this committee with its oversight of the FAA well knows, is their mandated task. This is so important an issue, I am surprised in all deference to Mr. Barry Valentine, the Assistant Administrator of Policy, that we didn't have the Administrator of the FAA here today as we have the heads of businesses, the heads of many important associations representing users.

The FAA cannot give up their authority over the airspace, and while I am talking about the FAA on a different subject, let me congratulate you, Mr. Chairman, on the sole voice last night in a fairly inflammatory piece on NBC News in which our own Secretary of Transportation was telling the American public how unsafe probably the world's foremost system is. We are very, very grateful to you for that. Transient aircraft, general aviation aircraft, the kind you saw on that videotape are less than 5 percent, 5 percent of the total air traffic over national parks.

Now, both the FAA and the National Park Service acknowledge our members' voluntary compliance with that recommended 2,000 foot minimum above the ground. Frankly, in flying aircraft, like that Cessna 172, you don't want to get much lower than that just in case you have that ill-fated engine failure.

In a recent survey, 92 percent of our members do not perceive the GA flights over national parks pose a significant problem for people visiting the parks, and 87 percent believe that GA flights over national parks should not be restricted, other than the normal flight restrictions and operating procedures.

Now, of course, you say they have a special interest. This coincides almost to the percentage point with the general public that visits parks and does not complain about aircraft noise.

Now, let's not confuse the specific and unique nature of the Grand Canyon, which we have talked about all through the day, and Hawaii, to typical general aviation overflights as some would have us do.

Similar overflight rules at national parks would unfairly impact general aviation. The State of Alaska, and we know how important general aviation is to that State in their daily lives, in their formal

comments to the FAA stated restrictions, "On park overflights could dramatically increase the risks and flying time for light aircraft which must of necessity fly at low altitudes."

Here is an interesting statistic. If we apply the model applied to the very unique Grand Canyon, and it is part of the notice of proposed rulemaking, most of our aircraft, a full one-third of the general aviation fleet can't reach the 14,500 foot altitude restriction placed over the Grand Canyon.

Now, you can usually tell a pilot, one of my members, by the size watch they wear. If we apply these standards to our National Park Service, soon you will be able to tell my members because they will be sucking on oxygen if they have to fly at that level above. It is mandated by the FAA, by the way.

Now, I am sorry that we lost Congressman Coppersmith because I want to show you how this has manifested itself in one of our States, and the one we picked was Arizona, partly because of the Grand Canyon, but also because recently when I was out there in Prescott, I heard from members, and I would like you to reference the map up here and we have a line with a typical trip from Prescott, Arizona to St. George. Now, this is 153 miles if you go direct to the north.

But now, because of the airspace and the special regulations over the Grand Canyon, you have a 203 nautical mile trip if you go to the west around the airspace. If you have one of these planes that can't reach that altitude and you have a 250 nautical mile if you use a corridor provided to go through this special airspace.

The National Forest Service, which manages more than double the National Park acreage, has stated in their report to you in Congress that, "Aircraft noise intrusions did not appreciably impair surveyed wilderness users' overall enjoyment of their visits to wildernesses, nor reduce their reported likelihood of repeat visits."

You heard it today, military tactical aircraft were reported to be more annoying than small propeller-driven aircraft. Natural quiet, I have heard it referred to also today as relative quiet. It is a term that has been used here throughout the period of time that you patiently listened to us testify, and a study for the National Park Service itself seems to confirm that this term is very elusive.

Now, we just got this report, so we haven't been through it completely, but it suggests in it—nothing in it suggests that GA overflights are a serious problem at the Grand Canyon, and also this same report to the National Park Service says the concept of natural quiet is very difficult to define, and secondly, it is equally difficult to determine when natural quiet has been restored.

In conclusion, Mr. Chairman, no committee in Congress has been so supportive of the new and the very revolutionary technology known as GPS, the Global Positioning System. It will assist those who enjoy our national parks on the ground, hikers, campers, et cetera, and, as you well know, because of your support for funding for the FAA in this, it will change the pattern of transportation in the whole world.

Now, this 1990 system gets you from point A to point B, which is, in my younger days I learned, which is the best way to get and the most efficient way, is a straight line. And yet once again, let me refer you to the Arizona State map. We have covered that map



with the various airspace restrictions which will defeat the primary purpose of this new technology that you yourselves have been providing funding for.

All of these zones in color are reactions to special circumstances, special groups, the military, the commercial air carriers, or any kind of special use air space. Now; try to get from point A to point B with this new technology when you are traversing all that, and we have gone ahead and colored in blue the national parks and wilderness areas also.

Let's not develop an overall generic solution that covers all parks. A broad-brush approach, just like we did with military airspace, just like we did with Class A, Class B, TCA TARSUS and ARSUS is unfair and will not work.

Overflight is a legitimate means of enjoying our public treasured lands, Jim said it today, without leaving behind trash or debris or trampling our vegetation or eroding our soil.

Now, I have been rather radical, rather reactionary. Let me end on a note that AOPA, as you know, the Air Safety Administration stands to work cooperatively with the FAA, the National Park Service and others you have heard from today to address and solve legitimate concerns.

As a matter of fact, this technology could be very useful in providing air tour operators specific points to hit in their showing the enjoyment to others and give them much more preciseness than the present techniques allow. We are not strangers to noise issues at AOPA. They exist wherever there are airports, and we must operate close to the ground around airports for takeoffs and landings, and just as we have worked on a voluntary means to solve the concerns of nearby homeowners, we are confident that we can apply this same pattern of voluntary measures to be both fair and effective.

Thank you, Mr. Chairman.

Mr. OBERSTAR. Thank you, Phil. Thank you for your kind comments in that interview, a program which I didn't see last night.

Mr. BOYER. You are probably lucky. I didn't sleep after seeing it.

Mr. OBERSTAR. But, again, thank you for illuminating this matter of the overflights and the reserved areas. I think that is very important for us to understand. You made, as always, a very useful contribution.

Mr. Coleman.

Mr. COLEMAN. Thank you, Chairman Oberstar, Congressman Clinger, I am pleased to have this opportunity to speak in support of scenic overflights over units of the U.S. National Park Service system. My comments will be brief. They are intended to augment the comments of my industry colleagues. RAA has two specific concerns, the Regional Airline Association, that we wish to address.

The first is the important role that scenic air tours play in providing an opportunity for travelers to appreciate our national parks. The second is the need to ensure that access to airspace over and adjacent to national parks is maintained.

Scenic air tours do not require any of the infrastructure necessary to support ground-based visitors, infrastructure such as road networks, cabins, restaurants, restrooms, viewing locations, and

communications and power sources, change the natural environment of the national park permanently. Scenic air tours do not.

The recently issued ANPRM overflights of units of the National Park System contain the following statement in the background section, "Some people simply find commercial sight-seeing tours over parks inappropriate and incompatible with protection of certain park values and resources."

On the other hand, a commercial air tour may provide an opportunity for people to see some park resources in ways not otherwise attainable.

The differences in the numbers of people in each of these categories are compelling in support of the continuation of scenic air tour access to national parks. As we have heard, National Park Service data reveals that in Grand Canyon National Park only 8 in 1 million visitors complained about aircraft noise in the park.

It may be correct to classify the 8 in 1 million as some people, but this is not a significant number compared to the 750,000 visitors who took Grand Canyon air tours in 1992. The characterization by the ANPRM that scenic air tours are significantly diminishing the enjoyment of visitors to the Grand Canyon and suggests it is a pervasive problem wherever air tours is conducted is wildly inaccurate and it is not supported by the data.

The second issue is potential limits on airspace access. While the subject of this hearing includes the term scenic overflights, the ANPRM cited earlier refers to overflights and states in the summary section that, "This notice presents options that may be considered as a means to minimize the adverse effects of commercial air tour operators and other overflights of units of the national park system."

We are concerned that the Departments of Interior and Transportation may not realize the economic harm that can result in a subsequent regulatory action, affected point-to-point operations of regional air carriers who may operate a portion of the route within the national park system.

We would hope legislative action limiting point-to-point flights would not be considered. The regional airlines provides scheduled service to 781 airports in the United States, Puerto Rico, and the U.S. Virgin Islands.

Coincidental with their routing, as a means to minimize enroute times, some of these flights may operate over or adjacent to a portion of a U.S. national park. It is an objective of air travel to fly as directly as possible from one point to the other, as Phil noted.

In the absence of substantial data that supported a position that the quality of a park visit was significantly diminished by overflights could be unfair and unjustified to require some enroute flight sectors to make circumnavigations of units of the National Park System.

If there are subsequent legislative or regulatory initiatives, we would strongly object to the imposition of any restrictions on point-to-point scheduled operations. That concludes my remarks.

Mr. OBERSTAR. Thank you very much, appreciate your observations on this subject.

And Mr. Scott.

Mr. SCOTT. Mr. Chairman, Mr. Clinger, thank you for the opportunity to speak with you today. First of all, let me apologize for Mr. Buker who was here from the beginning this morning and intended to address you as well, but had one of those tickets that could not be altered and thus he is on his way.

Mr. OBERSTAR. A victim of deregulation.

Mr. SCOTT. I represent today the 50 State aviation agencies, as well as those of Puerto Rico and Guam, who have great concern with this issue, which as Mr. Clinger noted very early today, is an issue without precedent, but it could set a precedent, and that is our primary concern, that actions taken as a result of the ANPRM or as a result of legislation that was discussed today could establish restrictions on aviation for purely environmental purposes. Again, an action without precedent.

We have heard groups here today who have acknowledged that they have concerns that go beyond just the units of the national park. Those units include Forest Service land, wilderness areas, and numerous other Federal properties, but beyond those as well because I am told by one State aviation director that there have been initiatives in that State already to have State natural resource properties—have restrictions imposed over them as well, and I would submit that we could expect that if actions were taken subsequent to today to restrict aviation over national parks, that it would be hard to argue, although we would, against similar actions against other Federal lands and even State natural resource properties.

State agencies are opposed to the blanket application of restrictions on aviation. First, we believe that the solution at the Grand Canyon and in Hawaii, if and when those solutions are found, will not be the solutions at other parks where noise or aviation impacts are proven.

But that leads us to our second point that each unit of the National Park System must be individually studied to determine if indeed there is a problem or an impact from aviation. Then and only then park specific solutions should be applied.

Having said that, we do say that there may be areas within national parks that are impacted by segments of aviation and we believe that solutions are in order. Those solutions may begin with voluntary measures by the air tour industry or by other segments of aviation, but those solutions require a very specific study and application of measures by those who are very concerned with that specific area.

State aviation agencies, with their knowledge of the airport systems in their States and in their regions and with the aviation system as a whole would like to be included in those park specific studies to determine, first of all, if there are problems and if there are, what the solutions should be.

And with that, Mr. Chairman, I will conclude my remarks and ask that the written testimony be submitted for the record.

Mr. OBERSTAR. Of course. All statements will appear in full in the record.

Let me continue with the State viewpoint and call on our Commissioner of Aviation for Minnesota, Mr. Rought. Ray, glad to have you with us. Thank you for joining in this subject and for the

splendid job of managing aviation issues for the State of Minnesota.

Mr. ROUGHT. Mr. Chairman, thank you. I am the Director of the Office of Aeronautics within the Minnesota Department of Transportation, and I guess one of the questions that might come up early is, why is Minnesota here?

As has been pointed out, we all have national parks, we all have wildlife areas that we are concerned about and in Minnesota, as Ed Scott mentioned, we have a State park now that has been restricted somewhat on the overflight of that area, so it is of concern to us that this bill here is more of an incremental bill finding out what is going to happen in the future. It is just one step down the road to what I think is kind of a grab on our airspace.

We have been working very diligently with the Department of Defense to—at the State level—to reduce restrictions through their military operations area insuring that what is there is needed and we see this as just another opportunity we are going to have to deal with and talk now with the Park Service more diligently about how to control that airspace.

I am concerned when we hear the words noise budget. Big concern is how are we going to measure it if that were ever developed. What is the scale that we go by? Who gets how much? Can you ever come up with a formula?

As we heard today in discussions of the natural quiet, it didn't relate just to the commercial flights going into the parks. It related to flights in adjacent areas, how are you going to measure that, who is going to be keeping track of that?

As you know, Mr. Chairman, in the Boundary Waters Canoe Area, we do have that restriction, we do also have the Voyageurs National Park which, with the exception of a half a mile, butts up against it, and if that were the case that we now have restrictions over the Voyageurs National Park, we would have only a narrow corridor of about half a mile between the two customs area, one at Crane Lake and one at Sandpoint in Canada that our sea plane operators will have to operate through, and we consider that a safety issue, trying to put all our airplanes running back and forth to Canada in that narrow space.

The final point, and it has been made here many times today, the FAA is the place for air—for airspace control and we support that 100 percent. Let's keep it with the FAA.

Thank you.

Mr. OBERSTAR. Thank you very much, Ray.

And now Mr. Frank Jensen, President, Helicopter Association.

Mr. JENSEN. Thank you, Mr. Chairman. I appreciate the opportunity to be here today on behalf of HAI, which is a trade association of the civil helicopter industry.

Our members, as you know, serve society in many ways. We fight fires and we provide law enforcement. We do rescue work and, yes, by the way, we do helicopter air tours as well. I would like to make a few points.

The first, I would like you to consider my testimony as also representing the interest of the hundreds of thousands of people who take helicopters tours every year, because these people are not otherwise represented at these hearings.

And in your deliberations regarding these overflights, I would urge you to consider the rights of these and all of the citizens of the United States and not just the vocal few who are making so many self-serving demands.

The second point, we in the aviation industry are accustomed to being regulated and we are accustomed to compromise. We realize we live in the 20th century and we are far from being the belligerent profiteers that we have been alleged to be today. The tour groups represented here are really small businesses who have attempted for years to work very closely with all legitimate interest groups.

However, the groups speaking against air tours clearly do not have compromise in mind. The letter that was read earlier by Mr. Santini shows their total victory mind-set, and this viewpoint is absolutely unrealistic.

By their own words, these people are out to shut down air tour aircraft first, because it is an easy target. It is a highly visible target, but then they are seeking to shut down all of aviation. And I presume that none of them would have been so hypocritical as to have used air travel to attend this meeting today.

On the same point, I would like to reemphasize Mr. Peterson's example of extremism. A 14-year-old boy scout lost in the Santa Fe forest spent three near freezing nights alone in the wilderness before the park manager relented and allowed a helicopter to land and rescue the boy. The only reason given to delay that helicopter landing was the fact that the boy was in the wilderness area. That was environmentalism run amuck.

The third point, the helicopter is the most environmentally sound method of viewing a national park. It leaves no scars on the landscape, enables more persons to view the national park with no damage to the park or national inhabitants thereof than any other method, including walking tours.

Please consider what damage would have resulted from ground transporting the hundreds of thousands of air tours into the Grand Canyon park alone and the ensuing erosion, wear and tear, trash and litter removal and the like.

The fourth point—and I am going through these very quickly in the interest of time—there has been a dramatic increase of no-fly areas in the Grand Canyon National Park in the last six years.

I would like to point out that these regulations, SFAR 50-2 and others, have been abided very closely by the tour operators according to the joint monitoring of both the FAA and the National Park Service. The tour operators have been extremely scrupulous in adhering to these restrictions because their bread and butter depends on it.

The fifth point—and this has been said many times today, but I think it bears repeating—everyone in the aviation industry feels very strongly that the Federal Aviation Administration must continue as the sole authority over the national air space. This has already been stated by Senator Bryan and Representative Peterson and others.

We have the safest aviation system in the world, and this is a credit to FAA's leadership. It would be a real tragedy to create a hodgepodge of Federal agencies, each controlling bits and pieces of

our air space, and this is exactly what Congressman Williams' bill, H.R. 4163, would do.

Number one, concessions apply to park visitors. And by definition and ANPRM, people who take aerial tours are not visitors, and, therefore, the concession rule could not really be applied legally. The second point is that this would surely take that piece of air space away from the FAA. And the third thing is this would create a monopoly. And I understood that there are certain regulations called antitrust and so forth that are against monopolistic endeavors.

The sixth point, there has been a significant restoration of the natural quiet in the park, and this has been specifically made—evaluated by a comparison of a study that the air tour operators and the manufacturers paid for between the time that the SFAR was thought of and the time it was implemented. We are the only ones—the air tour industry is the only one that has a baseline on which to compare, and we can compare very favorably.

Mr. Chairman, I would like to point out that a lot of effort and energy was expended in developing our written testimony. It is fairly straightforward, and I am certain it will provide some good material for your consideration.

Again, I thank you for this opportunity to communicate to you and your committee the views on this important topic, and I would like to ask you to regard HAI as a resource to help in any way—to help you and your staffers in any way in reaching a reasonable conclusion to this difficult problem.

Thank you.

Mr. OBERSTAR. Thank you very much for your testimony. It was very thorough, and we appreciate very much having it.

Mr. Widdis, Director of Aviation for the State of Alaska.

Mr. WIDDIS. Thank you. I am Jonathan Widdis, Director of Aviation for Alaska, and I, too, am appreciative of being here today.

I am a lifelong Alaskan. I have grown up there. I have been working in the aviation business for several years. I have been with the Department of Transportation for 25 years.

I know Alaska, I have been in every corner of it, and I would like to tell you that we know natural quiet up there. We also know aviation. It is extremely important to us. And I think the two are not incompatible. They go hand in hand.

We have got 10,000 aircraft in Alaska. We have got a like number of pilots. And we have got a very small population of under 600,000. We are smaller in population than even New Hampshire or Connecticut. But we have one aircraft and one pilot for every 60 people, so we have got a very high proportion of aircraft and aircraft usage in Alaska. And I think by the graphic that is up there, which is also appended to our written testimony, you can see why.

If I can direct you for a second to look at three important parts of that. One is—the red dots represent the population centers in Alaska, and there are over 300 communities. The State of Alaska itself owns and operates over 300 airports, in every community.

And if you will also take a look at the green portions. Those represent national parks, wildlife refuges, monuments and wild scenic rivers. I think you can see that it is virtually impossible to get be-

tween any two points in Alaska without flying over park land or some portion of green there.

To us, the overflight question is extremely critical. It would be devastating to not allow overflights. I don't think—in Alaska, the airplane is like the taxicab. The distances are so vast and so great, and there are no alternative access routes. Over 70 percent of our communities are not connected by road.

The other highlight of that particular graphic is the road system. You can see it particularly highlighted in black there. The road system covers very few—very small portion of Alaska. I don't think there is enough money in the Highway Trust Fund at the moment to connect up the other red dots on there in the very near future. I think we are going to be living with aviation as our basic form of transportation for a long time in the future.

Having been in every portion of Alaska, and most of them most recently, I can tell you that not only do we know quiet, but we appreciate the sound of an airplane when we hear it. Not only do we need it for basic transportation access, but I think you can tell from that graphic that no one can visit the park system without flying there except for Denali park and a couple others that are road accessible. There is virtually no other method to get there.

And we are talking about people who want to go rafting, people who want to go hiking. People that want to do anything in the park system in Alaska have got to fly there, to start with. They have got to fly to Alaska, and they have got to fly from the major population centers to the parks because the parks are not accessible by road.

Alaska has 50 million of the 80 million acres of park land in the United States, way over half, so I think this is an extremely important issue for us.

And I wouldn't be here if we were simply talking about Haleakala or Grand Canyon or we were not talking about overflights. But from what I read in the proposed rulemaking and from what I have certainly heard here today from both the FAA, the Park Service and the interested conservation units, there is extreme interest in expanding that concept to complete overflights. And, as a matter of fact, that is the indication that is in the notice of proposed rulemaking.

It is not limited to specific areas. They are talking about general rules here which I think would vastly and terribly affect Alaska.

I think it is important to know a little bit, understand a little bit of the nature of the flying business in Alaska, or the flying just to get from point A to point B, to understand a little bit about how important that is.

I heard some compromise positions of talking about altitude restrictions, flight-free zones, flight-free times and noise budgets. I don't think any of those things are going to work for us in Alaska, if anywhere.

Our pilots have got to fly low. We have got extreme terrain conditions. We have got—I am sure I don't have to tell this committee that with seven NEXRAD stations in Alaska we still have only got coverage of 30 percent for aviation weather up there.

We don't have the luxury of either advanced weather or—and we have got vastly changing conditions. We have got mountain terrain. We have to fly low through passes many times. There is no way

that I can imagine that altitude restrictions and flight-free time and zones can still allow both the business of daily life in Alaska to go forward or to allow anybody to visit the park system, which is what it is there for.

George Frampton, the Assistant Secretary of the Interior, has been this past week in Alaska. He is there today. And I have talked to people in the Park Service on the phone yesterday, and I know that Mr. Frampton has visited several of the parks while he is up there. And I would like to let you know that he didn't walk there. He did not drive there. He has flown to every park that he has visited. And I think that is pretty important to understand the relationship of air travel and airports in Alaska to this proposed rulemaking.

The parks in Alaska were created subsequent to the airline. I heard testimony earlier today that many of the parks were created way before the airplane. This is a new thing.

It is not the case in Alaska. Most of the parks that were created in Alaska are the result of the Alaskan National Interest Lands Conservation Act which was created well after the advent of the airplane and well after airplane travel and airports and air routes were already established in Alaska.

Many of the thousand land-based airports in Alaska are within parks. There are 203 recognized seaplane bases. There are another thousand lakes that are established seaplane operation bases throughout Alaska, and many of them within the parks.

The ANILCA legislation was quite cognizant of that and specifically referenced transportation and access into and through these points as being something that was allowed and a tradeoff at the time in legislation in deference to creating parks when these things were already occurring and were necessary to get there.

You can spend, which I have done, many hours in the wilderness in Alaska and never hear any aircraft. And, generally, when you do hear one, it is a welcome sight.

I have not been in any community—and I have been in virtually every community in Alaska—where people didn't rush to the airport when they heard an airplane coming and welcome it. The airplane is welcome there, and it is welcome not just by the residents but by people who are in the back country because they are so rarely heard. And when they are, it is something of comfort. It is not something to be afraid of or that distracts from the noise.

As I say, we know quiet up there, and the two go hand in hand because we have got a lot of space.

If this proposed rulemaking and proposed legislation were not to affect us, we wouldn't be quite so concerned, but the way we read everything, it is definitely going to affect us, and it is going to be a very serious situation.

With respect to the FAA versus the National Park Service in terms of who is in charge of air space, we certainly come down on the side of the FAA. We have had a working relationship for many years with the FAA, and, as with others, we have not always seen eye to eye with the FAA, but we certainly understand that they are the experts in air travel and aircraft and in landing strips.

We have not seen similar acknowledgment, understanding on the part of the National Park Service. We know that it is not their



mandate to be involved in air safety and those kinds of things, and we know from the things that are their mandate, which are to preserve the park lands, that I cannot imagine that they are going to learn that side of the fence near as well as the Federal Aviation Administration. So we certainly are in favor of the Federal Aviation Administration being the one who is in charge of air space.

On the question of legislation versus regulation, I suppose we, too, are encouraged and don't look forward to more legislation. On the other hand, we are a little bit concerned about what I have heard many times today about balance, and the balance of power between the Department of Interior and the National Park Service and the Federal Aviation Administration in terms of who is in charge of air space, that kind of thing.

I think the balance may be tipping the other direction, and we don't see that as good. And, as I said, we don't welcome new legislation, but I certainly would like to look over the shoulders of everyone on the proposed rulemaking and make sure that things don't go too far the other direction because we fear they are.

Again, our final thoughts. We think the solution here is park specific, don't have general rulemaking. I cannot for the life of me understand why somebody would propose a general rule out of the experience of a couple of places when, as I have heard here today, we still haven't figured out the solution to those two places.

I mean, we have got some good ideas here, but let's get those solutions in place first and out of that create a general rule, not the other way around. I can't understand why anybody would be trying to propose a general rule before we have got a solution to some of the specific places in the hopes that it is going to fix not only things that we don't even know about yet but places that we do know about, and it hasn't been tried there yet. So I certainly would come down on the side of specific rules, not general rules.

And, in conclusion, we have lots of rivers, we have got mountains, we have got lakes, we have got wilderness and we have got quietude, and I certainly invite Members of the committee that are here or any of the other ones who take a look at our testimony to come up and look for yourself.

Thank you.

Mr. OBERSTAR. Thank you, Mr. Widdis, for that very important perspective on Alaska and the vastness of the State, and its well-known reputation for dependency on aviation.

Mr. Logan, we look forward to your testimony on behalf of McDonnell Douglas Helicopter Division. You may come here to tell us about a stealth helicopter that doesn't make any noise.

Mr. LOGAN. Thank you. I wish I could, Mr. Chairman, but I will try to be brief.

I have submitted a written copy of my statement to the record as well as our comments on the proposed rulemaking which goes into our comments in much more detail and technically. I have also submitted an audio tape for your consideration that demonstrates the potential for noise reduction in the current generation of helicopter.

Mr. OBERSTAR. Excellent. Thank you.

Mr. LOGAN. I think we speak from a unique perspective in that we are a manufacturer which provides a product for the market,

and we are trying to find a balance for that product that satisfies all concerned.

What our consideration and our concerns today is that in the proposed rulemaking that the noise levels of helicopters are considered.

The bill, as we have seen drafted to date, would seriously impact the aerial tour industry, which is an important segment of the helicopter business. They often consist of easy answers, snap judgments and don't provide really creative solutions. They also don't look at the potential of the aerial tour operator to provide environmentally friendly access to our national parks in the face of the rapid growth of our visitors.

There is an objective, elaborate source of aircraft noise data to provide guidance in this. The FAA in their noise certification testing provides and measures that data. It should be used in the rule-making process.

If you examine that data and if you examine our audio tapes, you will find out a lot of misconceptions. Helicopters are not all noisy. They are not noisier than fixed-wing aircraft. And a helicopter is not just a helicopter is not just a helicopter. There are vast differences.

If we look at some of the lessons we have learned from the fixed-wing industry and their concern with noise, particularly around, say, John Wayne Airport in Orange County, noise regulations were incorporated in a phased approach with levels and work with the FAA and staged in, low-noise aircraft that we see today.

So what we are trying to find is a balance here. Air space should remain the province of the authority of the FAA. They have the background and experience to incorporate the safety, which is the first consideration in any rulemaking.

The sheer number of people taking aerial tours today indicate that there is a demand and a need by our people. They want equal access to the national park visitors. It should be available, while reducing the adverse impact of that access. We need to determine reasonable noise levels by necessary sources and don't discriminate against aircraft and other sources.

The public is receptive to quiet helicopters. The national park survey quotes that onground and aerial tour visitors both recommended quieter helicopters as the preferred method to solve overflight noise issues. Our own company has witnessed the introduction of approximately 70 MD 520N helicopters with favorable results in the particularly noisiest areas.

Quiet technology helicopters are available today, in 1994, and they are all made in the United States. The MD 520N, a five place helicopter, is the quietest helicopter in the world. The MD Explorer, an eight place helicopter, is the second quietest helicopter in the world. The Kaman Aerospace K-MAX, a heavy lift helicopter aimed at logging and applications like that, is the third quietest helicopter in the world.

It is time to incentivize operators and manufacturers to accelerate the use and production of quieter helicopters. We have outlined possible incentives in our ANPRM comments. In general, operators need tax incentives, routes and altitudes commensurate with aircraft noise signatures.

The MD 520N, at a 1,500 feet altitude, has a noise signature that is equivalent to conversational levels. Land managers should take the lead. Land managers, particularly the National Park Service, should include noise performance in their bid specifications that encourages operators to use low-noise helicopters within those parks.

We are working on quieter helicopters in the future. We have invested over \$30 million to date in low-noise technology, particularly evidenced by what we call our NOTAR technology on current generation of aircraft. We are working for low-noise main rotors with NASA and other research organizations.

We need to provide the benefits for this investment. We have to ask ourselves if the United States really places an importance on quiet helicopters and can we move beyond the next—this current generation.

So what we would have the opportunity to do is to change public perception from the negative to the positive. There are logical and technically sound control overflight and noise level approaches. We need to demonstrate that we have learned the lessons from the fixed-wing industry that there is a reasonable and a balanced way to approach low-noise technology, and we have to give an impetus and encouragement to helicopter manufacturers to provide low-noise products to our environment. They have been introduced in noise sensitive areas already with very, very favorable results. We have proven that they do work, and we think we have a solution that will help.

We thank you.

Mr. OBERSTAR. Could you, Mr. Logan, describe what it is about the technology of the helicopter, either the N 920 or your other version of that that reduces noise—what is the technology called?

Mr. LOGAN. We have a saying that any sufficiently advanced technology is indistinguishable with magic. So that is really what it is. It is magic.

But, basically, what we have done in our current generation of aircraft is attacked the three main sources of aircraft noise. The three main sources are the main rotor, the lifting and propulsive force, the engines which provide the power to that main rotor, and the directional control force or anti-torque tail rotor that you see on conventional single rotor helicopters.

We have developed NOTAR technology which completely eliminates the tail rotor, the directional control device, which eliminates that source of noise. We have designed the main rotors to be low noise by shaping the tips to provide both a low-noise pulse—we have provided multiple blades to provide a very low pulse noise which attenuates very rapidly, and we have also provided very high efficient engines that absorb all the available energy from the exhaust gasses, providing very low sheer noise. So we have attacked all three sources simultaneously to reduce those noise levels.

Mr. OBERSTAR. In both the 520 and the 920 are exhaust gasses fired out through the tail section?

Mr. LOGAN. No, those are cold gasses driven by a fan, mounted internally to the aircraft, and they are shielded from view and observation which provide a low-noise environment. It is completely a cold system, cold gas system.

Mr. OBERSTAR. The result is you have got at least one rotor noise source eliminated?

Mr. LOGAN. Yes, at least one, and we have attacked all three.

Mr. OBERSTAR. What have you done with the main rotor blades?

Mr. LOGAN. We have used our advanced design techniques to shape the blade tips so that they provide very low shock noise and propulsive force so the noise does not radiate from the blade tips.

Mr. OBERSTAR. So it eliminates some of the pop?

Mr. LOGAN. It eliminates the pop completely.

Mr. OBERSTAR. Completely.

Mr. LOGAN. We have also gone to multiple blades. We have five blades on the rotor because that provides a very low amplitude pulse as the blade passes around in rotation, and that low amplitude pulse then attenuates very rapidly. So at distances from the aircraft it is inaudible. And we have also controlled the RPM of the aircraft, the speed at which it rotates, to reduce that noise generation signature.

Mr. OBERSTAR. Could you put it in a percentage of noise reduction, this technology as compared to standard technology?

Mr. LOGAN. As an example, on the 520 N, an equivalent tail rotor aircraft is approximately three times noisier. In other words, if I were—if you were standing on the ground, the 520 N could be over 75 percent closer to you before you heard the same equivalent noise as you would with a tailed aircraft.

We have demonstrated up to nine db reductions on this compared to a tailhook aircraft. In the db scale, which is the scale they use to measure noise, 3 db is like an order of magnitude, so 9 db is almost three orders of magnitude reduction in noise energy which is a very audible and perceptible reduction in that signature.

Mr. OBERSTAR. Thank you very much. That is a very important contribution to this subject but also to aviation to achieve such a remarkable noise reduction.

Phil, your concern is, generally, aviation being able to pass through areas like we saw there in national parks and Alaska and elsewhere around the country where there are restricted zones of, say, a national park like Grand Canyon, where there are established routes, and your members just want to go point to point without having to take a circuitous route.

What is a minimum altitude that, say, most general aviation aircraft can operate safely at without having to haul out that oxygen mask that was demonstrated earlier?

Mr. BOYER. It certainly is 14,500 feet, which is the SFAR at the Grand Canyon. But I would say the example we used in the videotape and the current voluntary flight rules that apply over our wilderness areas and national parks of at least 2,000 feet above ground level certainly provides a safer altitude for planes to fly.

Obviously, in a single engine plane the higher you are the longer your glide speed should you lose that one fan up front.

I might also note that your line of questioning was so interesting on the helicopter, and one of the things in the ANPRM is the use of quieter aircraft. Unfortunately, as both Members of the committee who are here know and as Jim stated about the aircraft he flew in 1991 and probably still has today, it is a 28-year-old airplane,

and it is wonderful to hear what the helicopter industry is doing where there is a vibrant market.

But many of us at the table are wearing the product liability pin and, hopefully, will be over the threshold in 1994 with your help. They aren't building new piston airplanes right now. Our members are just trying to keep them flying, let alone make them quieter.

Mr. OBERSTAR. Those airplanes aren't going to get any quieter. The technology is what it is until we can build more modern aircraft, more modern technology, more advanced technology.

Mr. Clinger.

Mr. CLINGER. Well, thank you, Mr. Chairman. Thank the panel for your patience and for your contribution. It has been a long day, but you have provided us some very helpful testimony, I think.

Your research is ongoing or do you think you have reached the ultimate in terms of reduction, noise reduction?

Mr. LOGAN. Oh, no. Our research is ongoing. It is a constant objective of ours. We have research results today in the wind tunnel that indicate that we have techniques in modulating the noise of the main rotor that will provide us noise reductions on the same order of magnitude as our current NOFAR concept where we eliminated the directional control tower which would take us another whole generation quieter than where we are today.

Mr. CLINGER. That is really an amazing story. You make the point very well that if we had not had this incredible drogue anchor out there on development in terms of current general aviation aircraft we could be approaching the same noise equivalency as we have in helicopters. I think it is a sad commentary and that which I hope we will rectify before we adjourn here.

Just a general question on your opinion of the suggestion that all tour flights should operate under part 135 at all times as opposed to part 91, which would presumably increase safety standards. But what effect would it have on the aviation tour industry?

Mr. JENSEN. I would like to take a whack at that, Mr. Clinger.

First of all, that was recommended some long time ago by our affiliate organization, the Hawaii Helicopter Operators Association, and they recommended it for Hawaii. And that is one of the things that the FAA is in the process of doing that we support. I think it is a good idea.

There are enough people flying in the tour aircraft that I believe they deserve the scrutiny of the part 135. The highest standard is for pilot time, the more rigid standards on flight and duty time, current duty time on aircraft inspections and the whole schmear. So we believe that even though it would be an economic setback to some of the part 91 operators that it is good for the industry, and it is probably good for the travel public, so we strongly support it.

Mr. COYNE. I think you have to recognize that many other national parks around the country don't have established part 135 tour operators available to provide tour services and that you have to rely more often on part 91 facilities, especially, for example, up in Alaska where you have a lot of part 91 operators available for travel to see Denali Park and many others.

So with regard to the Grand Canyon, certainly 135 makes sense. But with regard to a lot of the other parks and facilities around

the country, I think the only way that you are going to see commercial tour service available or commercial air charter available is going to be with part 91 operations.

Mr. BOYER. Congressman, I should note that there are restrictions on the part 91, a 25-mile limitation. And many times what you have—and I know we did this at Kanab, Utah—is that the way you say it, where there is no tour operator, but it is the other end of the Grand Canyon.

And when we were visiting there at one time there was a sign on the side of a small flight school—fixed-base operator, probably two or three planes came in a day so they didn't make their living on fuel. Maybe one or two residents took flight lessons. But the small sign said introductory flight. See the Grand Canyon from a different perspective. And we have got to remember that these people are restricted.

But, basically, what you are doing is, in a very small, confined area, the 25-mile area, you are allowing somebody to get an introductory flight. And some places call that a flight, a sight-seeing flight, et cetera, and who knows how many of those flights turn an individual on to go on and try to get their pilot license. And with the decline we have had of over 20 percent since 1980 of licensed pilots in this country, the encouragement of that I wouldn't want to see lost.

And, at the same time, in areas where there is high concentration of traffic like the Grand Canyon, perhaps some special kinds of rules should be in effect there. But to completely, once again, pass a generic rule that applies to everything could really hurt the whole flight training and flight environment in this country.

Mr. CLINGER. I thank you all very much.

Mr. OBERSTAR. I would like to touch on just a couple of other points.

In Minnesota, Ray, we know very well in the spring that snowmobiling and even some cross country skiing and certainly flights have to be limited in bald eagle nesting areas. Out West there are areas inhabited by grizzly bears where flights have been restricted by the National Park Service or where it is being proposed at least to be restricted, and this is an area where there are some environmentally sensitive issues that have to be dealt with.

Now, would this panel agree that on a park-by-park basis that matters such as this ought to be dealt with?

Mr. ROUGHT. Certainly, Mr. Chairman, in my full statement we did identify that there were those kinds of areas throughout Minnesota that do require special use air space and designated for a period of time during that nesting season, so that is a very important issue for us and one that we recognize.

Mr. OBERSTAR. We even have nine-ton roads, you know, certain times of the year that can't be driven on or can only take a nine-ton load. We are all familiar with that. There ought to be, as opposed to just a general ban, don't fly at all.

Jim.

Mr. COYNE. I think your question is important to give me an opportunity to stress that any presumption that the aviation community is anti-environmental is absolutely wrong.

There was an interesting piece in the paper just a few days ago that dated the birth of the environmental movement to an aviation event, man's landing on the moon, and we were able for the first time to look back and see the earth as a whole.

It was because of aviation that we developed that capability. It is because of aviation that we have the skills to monitor effectively environmental risks across the country. And most pilots and certainly most aviation businesses are very sensitive to this, but we do think that the FAA is the appropriate organization to provide the communication of these proposed rules to pilots to provide for their input and to provide for their enforcement.

We hope that that will continue to be the case because we would hate to see ourselves all faced with having to deal with the multitude of Federal Government agencies that get involved in environment. It is not just the Park Service, as you know. It is Agriculture, Interior, all different sub-agencies—not to mention the EPA. And so we are very concerned that the focus on this issue remain within the FAA.

Mr. OBERSTAR. We are very vigorous in this committee in defense of the FAA's responsibility to manage the air space. It has the unique responsibility for safety and for management of air traffic. But the FAA does have to work, as we saw earlier today, with the National Park Service which has responsibility for the ground.

And as Mr. Reynolds from the National Park Service said earlier this year, noise is not the only problem. The presence of a plane, he said, can be equally problematic—certain planes at certain times and sites, aircraft in front of Mount Rushmore, Statue of Liberty.

What we are dealing with are some values. People who go out on foot to seek the peace and quiet and the solitude of a wilderness area and see a plane overhead imagine or maybe actually do hear—depending on what altitude, what the weather conditions are, they hear that aircraft. And they ought to have some area in the park where the experience they seek is not broken by the sound of civilization that they left behind, notwithstanding to bring all the other good things of civilization in with it.

But, nonetheless, you know, I have been in the boundary waters canoe area, and I have—with my two youngest daughters. And we go there not to see aircraft, not to see sailboats, not to see mechanized means of transport, but just to be there. And it is appropriate.

Now, that doesn't prevent the ruling that President Truman issued in 1948, does not prohibit aircraft from going overhead at 10,000, 20,000, 30,000 feet. You do see the contrails. You can't totally eliminate civilization, but you don't hear it, and your experience is unbroken.

That is where I think we have to work out the merits between the Park Service and the FAA, between the users on the ground and the users in the air. And it may not take the wisdom of Solomon, but it may take a lot of hard work to figure out what are those areas and respect the rights of all to use these unique areas of ours.

Mr. JENSEN. Could I respond to that?

Mr. OBERSTAR. Mr. Jensen, certainly.

Mr. JENSEN. A couple of things I think need to be said, and I didn't hear them said here today.

One is, for example, in Hawaii, the State of Hawaii, many of the complaints that have been registered against helicopters, they have established a couple of helicopter environmental liaison offices where citizens can call and say I saw a red helicopter flying over my farm at a certain time at a certain altitude. They have been able to go back to these complaints and identify the helicopter.

In many cases they are drug enforcement helicopters. They operate in two-helicopter teams. They go in with a small helicopter and snoop out the pot. Then they bring the larger helicopters in and destroy the patch.

Many of the complaints we get are from the pot grower, by the way, but, of course—they can't discriminate between a DEA aircraft and a tour aircraft, in many cases. There are some cases they don't want to discriminate.

In other cases, as in the national parks themselves, many times the Park Service uses the most expedient means of hauling trash out of the canyon and up to the rim, and a lot of times that is a helicopter. And the citizens who are on the tour cannot discriminate, again, between a tour helicopter or the thing that is loading a bunch of trash up to the hill. So these are things that need to be taken into consideration.

Citizens of L.A. County, for example, have a constant air cover of four helicopters flying overhead at about a thousand feet day and night. Again, these guys just get tired of hearing the helicopter up there. They are not air tours. They really need to understand and the regulators need to understand that these are not all commercial helicopters. Most of them are not. And many of them are military.

Mr. OBERSTAR. Thank you.

Jeff.

Mr. COYNE. If I may just respond as well, Mr. Chairman.

The point you made about the boundary park in Minnesota versus some of the other parks, different parks—although they all, I suppose, potentially can appease or satisfy every different experience or hope that a park goer has, the reality is that the parks are very different and that canoeing on a certain lake in Minnesota or whether it is up in New Hampshire where I go, very different purpose than what people seek at the Grand Canyon.

If you were to ask the people who were at the Grand Canyon: "Wouldn't you like to go on an air tour of the park?" I suspect that 95 percent of them or more would say, yes, if cost was not a factor for them or if timing was not a factor.

Whereas the park that you are talking about, you ask the people out in the canoe, would you like to go up on an air tour of the park? They would say, no, that is not what I am here for.

So you have to figure out what it is that the citizenry want in that park. And, clearly, with the Grand Canyon and with Hawaii, one of the things that we have demonstrated overwhelmingly is that the citizens of this country want to take air tours of those parks. And should a very small minority prevent them from having that right?

Mr. OBERSTAR. Thank you very much.



I thank this panel and all of our witnesses today for their very thoughtful contributions. Obviously, a great deal of effort went into the preparation of all the testimony today, very deep felt, heartfelt, and we have all learned a great deal. And we will make this record available to both the FAA and to the National Park Service as they continue with their deliberations, and we will follow future developments very, very carefully, I assure you.

The committee stands adjourned.

[Whereupon, at 5:40 p.m., the subcommittee was adjourned.]



*"Seeing today,  
saving for tomorrow"*

Statement of Daniel W. Anderson  
President, Grand Canyon Air Tourism Association  
Grand Canyon, Arizona

on

Legislation and Regulations Affecting  
Scenic Overflights Above National Parks

before

Chairman James L. Oberstar  
Aviation Subcommittee  
Public Works and Transportation Committee  
United States House of Representatives

July 27, 1994

Statement of Daniel W. Anderson  
President, Grand Canyon Air Tourism Association  
27 July 1994

Mr. Chairman and distinguished members of this committee, let me first thank you for giving me, and my colleagues, the opportunity to address you today. This hearing represents the first opportunity that we have had to present positive information about air tourism to an objective and impartial body, assembled for the sole purpose of considering all of the facts about national park overflights. We welcome this opportunity and thank you for your time and attention here today.

I'm speaking to you on behalf of the six members of the Grand Canyon Air Tourism Association which fly approximately 40% of all air tour passengers annually at Grand Canyon. Together, our operators contribute \$100 million of the total \$250 million annual economic impact of air tourism at Grand Canyon. Additionally, our members have created 480 of the estimated 1200 jobs created by the Grand Canyon Air Tourism Industry.

Most importantly though, I speak to you today on behalf of the air tour passengers which numbered over 300,000 last year, and rely heavily on aircraft in order to access areas at Grand Canyon which they would otherwise be barred from.

I also speak as the Chairman of the Air Tour Subcommittee for the National Air Transportation Association, and as Vice-President of Air Grand Canyon.

Today, I wish to present information which supports three important facts: First, that aircraft are the most environmentally sensitive means of accessing our national parks. Second, that aircraft offer access to remote pristine wilderness areas of our national parks to hundreds of thousands of people who would otherwise be barred from these areas. And third, that the regulations in place at Grand Canyon have worked, and that natural quiet has been substantially restored to Grand Canyon. I would also like to make recommendations which, if followed, will allow for effective overflight management at Grand Canyon and

Statement of Daniel W. Anderson  
 President, Grand Canyon Air Tourism Association  
 27 July 1994

other national parks, and will serve to improve the quality of the experience for all visitors, including air tour visitors.

Before I begin, let me briefly place air tour visitors in context with other park visitors at Grand Canyon. For 1992, the number of visitors of all types was a little over 4.5 million. (see attached Exhibit A) Of those, about 99 % were considered front country visitors meaning that they accessed only the most popular overlooks from paved roads or took short hikes into heavily used areas. Of those front country visitors about 82% were non air tour passengers. However, of all Park visitors, almost 17% elected to access the remote wilderness areas of Grand Canyon by air. According to a survey conducted by the National Park Service, about 20% of the air tour passengers, or over 3% of all park visitors, chose to take an air tour because an air tour allowed them to see areas of the park they would have been unable to see otherwise because of physical disabilities. Backcountry and River user populations, when combined total a little over 1% of all park visitors, about 1/3 the size of the disabled air tour passengers alone. Since March, air tour passengers are paying an entrance fee via the commercial tour use fee now being charged for flights over Grand Canyon National Park. In fact, most air tour visitors pay two fees, one at the airport and one at the gate....they are paying dearly for access to the Canyon and deserve to be afforded that opportunity. It is imperative that proper consideration be given to this very large, and important group of park users.

## I. Environmentally Sensitive Access

Of the Grand Canyon, Theodore Roosevelt said "Leave it as it is. You cannot improve upon it. The ages have been at work upon it and man can only mar it. What you can do is leave it to your children, your children's children, and for all who come after you, as the one great sight which every American...shall see." (*emphasis added*)

Statement of Daniel W. Anderson  
President, Grand Canyon Air Tourism Association  
27 July 1994

Is it possible to leave it alone but allow everyone to see it? We think so. Aircraft, which were not available in Roosevelt's time, offer the only means of accessing the pristine wilderness of Grand Canyon without marring it. True impairment to the Canyon is caused by those who access it via foot, mule, boat, or other ground conveyance. Aircraft noise dissipates quickly and forever, thus preserving the majesty and magnificence of Grand Canyon unimpaired for all time.

Last year, over 800,000 people, or 17% of all park visitors, chose to see the remote areas of Grand Canyon by air. At the end of the year, after all of these visitors had come and gone, had seen some of the most awesome and breathtaking views possible, not one foot print remained in Grand Canyon as a result of their visit. Not one piece of trash was left behind, not one rock was marred with graffiti, not one drop of water was tainted with motor oil, not one grain of sand was moved from its original place, not one plant was destroyed....the Canyon was as pristine and unimpaired as if they had not visited.

Yet the Park Service and aviation opponents have failed to recognize the important benefits that aircraft offer in environmental terms. Rather than embracing aircraft as a solution to the challenge of providing access without damaging the park, they have seemed determined to deny access to air borne park visitors. They have been working diligently to place limits on the very means of access which might help the Park Service in achieving its goals.

NPS Director Roger Kennedy has said that "Aircraft noise represents far more than a mere annoyance. By destroying the vast and embracing quiet of park skies, it degrades our parks and diminishes the park experience." What this position fails to recognize is the very positive emotionally charged experience

Statement of Daniel W. Anderson  
President, Grand Canyon Air Tourism Association  
27 July 1994

which hundreds of thousands of air tour visitors enjoy each year. *Is the experience of air tour visitors not equal to the importance of other visitors?*

The National Park Service has worked in cooperation with the Grand Canyon Trust to create a display which has the effect of angering park visitors towards aircraft. This display stands today in the Grand Canyon National Park Visitor's Center despite protests from air tour companies. *Wouldn't the balanced view of providing environmentally sensitive access to a substantial portion of park visitors by air tours be a more objective display?*

I read with interest the comments offered by the National Parks and Conservation Association and the Grand Canyon Trust in response to the ANPRM on park overflights. Both provide convincing arguments that our national parks should be preserved for all time. In fact, they cite numerous statutory authorities for preserving the pristine wilderness areas of our national parks. It is unfortunate, however, that neither organization has recognized that aircraft offer a means of preventing the tangible and lasting damage caused by ground access. At Grand Canyon, on a single day each one of the one percent of all visitors who do venture out into the remote wilderness by foot, mule, or boat, does infinitely more tangible damage to the Park than all the air tour visitors for that day combined! Whatever perceived impact that might be caused by air tour visitors is temporary, leaves no trace, and adversely affects only that infinitesimal segment of visitors who traverses the wilderness. Even there, Park Service studies indicate that about two thirds report no adverse impact from aircraft.

Ten days ago, my hiking companion and I set out on an expedition at Grand Canyon. The purpose of this expedition was twofold. First, we wanted to hike into the heart of a flight free zone and see for ourselves if it was possible to experience natural quiet for a substantial portion of our visit. Second, we

Statement of Daniel W. Anderson  
President, Grand Canyon Air Tourism Association  
27 July 1994

wanted to look for and compare the evidence of access to Grand Canyon by ground visitors versus air visitors. What we found was astonishing.

Our route took us from the south rim of the Canyon down the South Kaibab trail to Phantom Ranch, then back up the Bright Angel Trail to the South Rim. This route is important because it is all contained within a flight free zone, and it is also in the area where the vast majority of all back country hikers travel. Along the trail, the evidence of ground use was everywhere. There was trash, graffiti, mule excrement (which sometimes covered the trail), trail erosion, foot prints in sensitive vegetation areas, a toilet right in the middle of a scenic vista, powerlines, water pipes, solar powered radio telephones, and the list goes on. In fact each year, the Park Service removes tons of waste left by humans experiencing the Canyon by trail or river. All of these things substantially impacted our wilderness experience. However there was absolutely no physical evidence that any air tour visitor had ever been to Grand Canyon. Even the aircraft sound we heard did not originate from tour aircraft. In fact, we could not attribute one single overflight experience to air tour aircraft.

During our hike, on two separate occasions our natural quiet experience was dramatically impacted by Park Service contract helicopters which landed nearby in the bottom of the Canyon. We later learned that these aircraft had been on medical emergencies, airlifting hikers who had experienced heart failure and heat exhaustion. Emergency missions are quite admirable and necessary, but they underscore the point that ground users themselves are the ultimate cause of substantial aircraft noise impacts. In fact, Park contract helicopters are used in a variety of ways to support those who choose to access the remote regions of the Park on the ground. Flights for the purpose of search and rescue, training, and facilities maintenance are some of the uses for these helicopters, none of which would be necessary were it not for the ground user. As an illustration, last year Park helicopters flew 46 hours of flight time down in

Statement of Daniel W. Anderson  
 President, Grand Canyon Air Tourism Association  
 27 July 1994

the Canyon just to airlift human waste from toilet facilities. Air tour visitors don't need toilets in the park, all they need is access to the airspace above it.

## II. Important Means of Access to Physically and Time Limited Visitors

Air tours offer a means of access to the people who are least able to reach remote areas of the Park by foot, mule, or boat. Scenic air tour passengers are a diverse group comprised of approximately 40% U.S. citizens, and 60% international travelers. Approximately 40% of all passengers are under 15 or over 50, the least likely to take a strenuous hiking, rafting, or muleback journey into the Grand Canyon. The balance of these visitors are comprised of those who choose an air tour for various reasons, including physical disabilities, time constraints, or simply because they wish to see the Canyon from the unique perspective offered only by an aircraft. This large group of park visitors depends on the service our members offer in order to see areas of the Canyon that would otherwise be inaccessible to them.

At the time we hiked, the temperature was reaching 110 degrees. The Park Service had numerous signs posted warning hikers not to try and hike from the South Rim to the Colorado River and back in one day. Here the Park Service recognizes that it is physically dangerous, if not impossible, for most people to hike to the River and back in a single day. In fact, such a hike would be impossible for many park visitors no matter how much time they were given. Yet only small sections of the river are visible from the South Rim where most visitors come to see the Canyon. Thus, unless a visitor has the physical ability and the time and the equipment and the money hike to, ride to, or raft the Colorado River, one of the most beautiful parts of the Canyon, it is virtually inaccessible to them. *Isn't the experience of seeing areas such as the Colorado River equally important to air tour visitors as it is to ground visitors?*



Statement of Daniel W. Anderson  
President, Grand Canyon Air Tourism Association  
27 July 1994

Each year, air tour operators provide access to these otherwise inaccessible areas for hundreds of thousands of people. This is a service which is economical, efficient, and essential to those who choose aircraft as a means of access. The financial, time, and physical cost of an air tour is much less than that of a comparable ground tour. For example, on our hiking journey we covered only 20 miles and spent in excess of \$300 of our money, 3 days of our time, and more pain and suffering than I care to admit. The shortest air tour available would have taken us over 60 miles, for a cost of about \$120, 30 to 45 minutes of our time, and best of all, it would have been pain free.

Jack Davis, former Superintendent of Grand Canyon National Park, explained the individual needs of Park visitors quite well in an article which was published in a 1991 Grand Canyon Trust newsletter. He said that "The Park Service must manage the National Parks for the use and enjoyment of visitors - now and in the future. Sometimes I feel that the environmental groups lose sight of this side of the coin. People must realize that visitor enjoyment is also significant and that not every visitor is going to hike the Canyon and run the river; they are going to want to come and enjoy the Canyon in their own way. It might only be for a half hour or one night, but they will come back from the experience touched by it if they are appropriately taken care of while they are here." He went on to say "If you look at the prime resource of the park which is Grand Canyon, it is very tightly managed for very few people below the rim. We can't expect every visitor to enjoy the Canyon in that way, nor do they want to." He cautioned that "I think sometimes we impose our own experience expectations on others who don't really want the same type of involvement." At Grand Canyon at least, it is this intolerance which has led a handful of extremist groups to call for more and more restrictions on park overflights. It is this intolerance which has made constructive dialogue with those groups impossible.

Statement of Daniel W. Anderson  
President, Grand Canyon Air Tourism Association  
27 July 1994

### III. Natural Quiet Has Been Substantially Restored at Grand Canyon

Based on the information we have seen to date, we can conclude *with certainty* that SFAR 50-2 has been effective in substantially restoring natural quiet to Grand Canyon, particularly in the area where 99% of park visitors experience the Canyon. **In short, SFAR 50-2 WORKS!**

There have been those that have misinterpreted this position to mean that we feel SFAR 50-2 is absolutely perfect and no further improvements need be made. That is simply not true. While we believe that natural quiet has been substantially restored, we recognize that it is possible that further improvements can and should be made. Where we strongly disagree with some others, is in the assessment of the magnitude of the problem, and the proportionate refinements that should be made to address those relatively minor problems.

As we can see from this chart (see attached Map 1), prior to SFAR regulations, flights were virtually unlimited, and visitors in vast areas of the Canyon were impacted by aircraft noise. SFAR 50-2, established 4 Flight Free Zones encompassing more than 44% of the entire park. More importantly though, because aircraft were limited only to 1 mile wide flight routes as shown in this chart (see attached Map 2). SFAR 50-2 restricts aircraft outside these narrow routes so that four aircraft cover only 14% of the Park. Effectively SFAR 50-2 has already made the Grand Canyon National Park 86% flight free.

To substantiate the claim that natural quiet has been substantially restored at Grand Canyon, we rely not on one source, but on 4 separate sources, each of which is a tile in the mosaic.

First, the Bennett/Cox Consultant's Comparative Sound Study, a study recognized as the only one to establish a baseline over a period of several years, measured sites in 1988 and again in 1993. Bennett/Cox found that the

Statement of Daniel W. Anderson  
President, Grand Canyon Air Tourism Association  
27 July 1994

sound impact from helicopters had improved at almost 70% of the sites tested. From airplanes, they found that the sound impact had been improved at almost 80% of the sites. Additionally, Bennett/Cox found that the SFAR regulations had been effective in channeling aircraft sound away from areas where the vast majority of Park visitors go. They found that noise impacts from tour aircraft were virtually non-existent in the majority of the area designated as flight free. In summary, Bennett/Cox determined that SFAR 50-2 has been effective in restoring natural quiet to vast areas of the Canyon. **SFAR 50-2 WORKS!**

Three major studies were conducted by NPS contractors in their attempt to evaluate the effectiveness of SFAR 50-2: an acoustic, a visitor survey, and a dose response study. While the NPS was in the process of developing its visitor surveys, we received a draft copy and were surprised at the bias shown. We had these draft surveys reviewed by statisticians at Arizona State University, University of Arizona, and the University of Southern California. The statisticians concurred with our assessment that the studies were biased and made suggestions to correct those biases. Few of their suggestions were adopted, and the survey was completed.

Last Fall, the NPS released preliminary study results and their conclusions. A cursory review by the air tour industry showed that the conclusions were biased and the studies incomplete. After reviewing the data last fall, we were astonished that the NPS had concluded that natural quiet had **not** been restored. In fact, the Visitor Survey was the most conclusive study in proving that natural quiet had been substantially restored to Grand Canyon.

It's interesting that the NPS did not look further into the meaning of the data. Had they done so, they would have discovered some interesting facts. For example, the NPS concluded that "a substantial number of visitors reported impacts from aircraft overflights." However their data indicates that the number

Statement of Daniel W. Anderson  
 President, Grand Canyon Air Tourism Association  
 27 July 1994

of people who reported that aircraft did not interfere with their enjoyment far outweighs those that reported that it did. In fact, almost 92% of ALL park visitors reported that aircraft did not interfere with their enjoyment.

This is but one example out of many where NPS interpretation of the data is biased, and the conclusions drawn invalid.

From its acoustic studies, the NPS attempts to prove that, because aircraft sound is acoustically detectable in many parts of the Canyon, natural quiet has not been substantially restored. Their analysis is flawed in the sense that it fails to consider the visitor, in preference to the acoustic monitoring device. The fact is that, while aircraft sound may be detectable, many visitors might not report the aircraft as audible, and most importantly, that it impacts the enjoyment of their visit. This fact is supported by a separate study conducted by the Forest Service. Detectable sound does not necessarily equal audible sound and audible sound, does not necessarily equal adverse impact.

Additionally, the NPS has failed to adequately differentiate between air tour, commercial, NPS contract, military, general aviation, and other categories of aircraft as required in Public Law 100-91. Currently, the tour industry is often blamed for intrusions caused by other aircraft types. Most often, in the quietest areas of the park, the aircraft sounds visitors hear are commercial or military. Yet, in their studies, the NPS has failed to adequately separate visitor comments by aircraft type. This must be done in order to arrive at information which will be valid for decision making.

The NPS has made clear that its intention is not to protect the experience of park visitors, but rather to protect "quiet." In a letter I received recently from the NPS Director of the Western Region, Stanley Albright, this point is made clear. In

Statement of Daniel W. Anderson  
 President, Grand Canyon Air Tourism Association  
 27 July 1994

his letter, Mr. Albright states "Natural ambient sound conditions require protection just as surely as do native animals and plants and water quality."

We believe that to protect sound for sound's sake, without respect to visitor impact and experience, is absurd.

Given the obvious misinterpretation of data from the visitor survey, as indicated by the previous examples, the Air Access Coalition determined that it was vital that this study, and the dose response study, be reviewed by an independent source. After a thorough search, and rigorous examination of credentials, we selected RSM (Research Strategy Management) of Lanham, MD; widely respected for their expertise in such studies. Based on our own observations of the biases in the study, we expected RSM to find that the study was flawed. But we were shocked at just how flawed it was. The following are excerpts from the RSM findings and conclusions:

1. "An examination of the 'Grand Canyon Visitor Survey' and the 'Acoustic Profiles and Dose Response Study' for Grand Canyon, Haleakala and Hawaii Volcanoes National Parks finds SERIOUS FLAWS AND BIASES in the sampling plans, sample implementations and data presentations. NEITHER PROVIDE CERTAIN AND CONVINCING DATA FOR ANALYZING THE EFFECTIVENESS OF SFAR 50-2."
2. "The studies are GROSSLY MISREPRESENTATIVE"
3. "The bias in the studies is explicit"
4. "The study investigators admit that their study designs are limited and the findings cannot be generalized to all Grand Canyon visitors as a whole"
5. "The manner in which data are presented in the studies tend to display the findings to exaggerate the impact of aircraft on park visitors"
6. "The graphs for the dose-response study have inconsistent scales, again exaggerating the impression of great aircraft impact"
7. "...the dose response study suffers from WOEFULLY INADEQUATE SAMPLE SIZES FOR ALL GRAND CANYON INTERVIEW SITES."
8. "NO ONE SHOULD MAKE SERIOUS POLICY DECISIONS BASED ON SUCH SAMPLES"

Statement of Daniel W. Anderson  
 President, Grand Canyon Air Tourism Association  
 27 July 1994

9. "...the National Park Service and Federal Aviation Administration should avoid definitive conclusions based on these studies, which the contractors themselves acknowledge have limited utility. It is impossible, from either of these studies, to suggest or support any significant refinements or improvements to SFAR 50-2"

Regardless of what might be said about our own analysis of the data, the previous statements were written by a firm who had no axe to grind, no ulterior motive, no "hidden agenda." In fact, simply taking such a position puts their reputation on the line. Why would they take that risk? It's because the evidence is irrefutable.

Prior to the NPS sponsored meeting in Flagstaff last March, at which this information was presented, we were told by NPS officials that we'd better not start challenging the studies because that would be in the "wrong spirit". But we ask, what is the right spirit? Is it not to determine the truth about the effectiveness of SFAR 50-2? Is it not to determine what action, if any, should be taken to protect the interests of all visitors?

We were told that "\$4 million dollars has been spent on these studies and we can't afford to do another one, so they'll have to do." We ask, if these studies don't bring us any closer to the truth, then what good are they? It may be true that \$4 million was spent on these studies, but, over the next 10 years at Grand Canyon alone, there could be as many as 10 million people that will be effected by any changes they bring about. If these studies are substantially flawed, we can't afford NOT to do them again, or, at the very least, to find some other way of arriving at the truth.

With the Bennett/Cox study, we have seen another means of arriving at the truth. Yet another means that seems to have been overlooked thus far, is written visitor complaints. In analyzing complaints, we looked at the entire South Rim and one backcountry site, Toroweap Overlook. For the South Rim, we analyzed the complaints received at NPS headquarters, both before and after

Statement of Daniel W. Anderson  
 President, Grand Canyon Air Tourism Association  
 27 July 1994

Implementation of SFAR regulations, which mentioned aircraft in any way. What we found is dramatic evidence of the effectiveness of SFAR regulations.

After flight restrictions were put in place, and even more so after implementation of SFAR 50-2, the rate of complaint decreased dramatically. For the period from 1978 through 1986, before restrictions, the number of complaints per million visitors was around 100. However, from 1987 through 1993, after SFAR regulations, the number decreased to only around 8 per million. This represents a decrease of 92%! In fact, in 1993, only 56 total complaints were received. That's 1 out of every 88,000 visitors. A true indication of how few people have actually been adversely impacted.

Some would have you believe that the problems at Grand Canyon are of gigantic proportions requiring gigantic measures to counteract. This is simply not true. If the problem were indeed that huge, don't you think that the NPS would receive more than 56 complaints out of over 4 1/2 MILLION visitors? Again, the facts don't support the theory that aircraft noise impact problems are of the proportions many of you have been led to believe that they are. Consequently, the solutions we should be discussing are diminutive in comparison with those offered by groups who have presented such a theory.

Likewise, at Toroweap Overlook, one backcountry destination, the situation is much the same. There, again, the pre-SFAR complaint rate was quite high, in comparison with post SFAR rates. Although normal fluctuations have occurred, the fact remains that the rate of complaint is much less as a result of SFAR regulations. **As an analysis of visitor complaints clearly demonstrates, SFAR 50-2 WORKS!**

As mentioned previously, we have still another source which is an indication of the effectiveness of SFAR 50-2. In it's 1992 study of the Potential Impacts of

Statement of Daniel W. Anderson  
 President, Grand Canyon Air Tourism Association  
 27 July 1994

Aircraft Overflights of National Forest System Wildernesses, the U.S. Forest Service concluded that "Aircraft noise intrusions did not appreciably impair surveyed wilderness users overall enjoyment of their visits to wildernesses nor reduce their reported likelihood of repeated visits." They further concluded that "comparing overflights reported by visitors with actual overflights identified by acoustic recorders, it appears that many visitors do not notice aircraft even when they are present."

This confirms what we said previously about detectability versus audibility versus impact. Simply because aircraft are detectable does not mean that they are audible to park users, nor does it mean that the visitor's enjoyment of their visit is being impacted. The NPS has failed to prove a correlation between these 3 distinct factors.

Are wilderness users, then, so much different than Park visitors? No, they're not, in fact the NPS has defined the Park visitor as a wilderness user by virtue of their land management policies. Aren't the wilderness users goals then, with respect to wilderness enjoyment, substantially the same as Park visitors? Yes, they are. The fact is that that this study confirms all of the other evidence which overwhelmingly indicates that **SFAR 50-2 WORKS!**

#### **IV. Recommendations**

In light of the information we have presented today, we recommend that the following actions be taken to improve airspace management at the Grand Canyon and other national parks.

1. In response to the short term issue, It is clear that we can and must make a few relatively minor adjustments to the current route structure at Grand Canyon. These adjustments will reduce impacts at the few sites where aircraft noise is unnecessarily intrusive. Whatever changes are necessary right now at Grand Canyon can be made within the framework of SFAR 50-2 without the implementation of additional regulations.



Statement of Daniel W. Anderson  
 President, Grand Canyon Air Tourism Association  
 27 July 1994

2. In the longer term, we must establish a Federal Advisory Committee on National Park Overflights. This committee, comprised of a balanced group of non-government representatives of affected and interested parties, should make recommendations on national overflights policy; report to the DOT and DOI; and meet periodically to review existing and future issues as outlined in the Federal Charter.
3. The first task for this group should be to establish standards which are based on measurable and objective data agreeable to all parties. Standards are the first step in managing overflights.
4. The evaluation process is the next step. The same committee which sets the standards can also be charged with designing and implementing a fair and reasonable evaluation process designed to measure aircraft impact on visitors.
5. Next the advisory committee could identify remedies and make adjustments targeted toward specific areas, rather than shooting from the hip or taking the shotgun approach as is currently being done. Finally, changes are made only when required.
6. Finally, the advisory committee could consider a means for reducing sound impacts through such things as the implementation of quiet aircraft technology through true economic incentives. The Grand Canyon Air Tourism Association is encouraged by the promise of quiet aircraft technology (QAT). As good neighbors, it is our goal to continually strive to reduce noise associated impacts on ground visitors to national parks and other noise sensitive areas. Therefore, we support the ongoing evolution and development of QAT, and the sensible integration of quieter aircraft into the fleet of commercial tour aircraft. We strongly believe that any successful program of QAT development and integration can and must recognize the following principles:
  - i. **New research is currently underway and must be considered.** As a result of a recent amendment to the FAA Research, Engineering, and Development Authorization Act of 1992 introduced by Arizona's Senator John McCain, the FAA and NASA will be working with others to research existing QAT and possibly develop additional technologies. The results of this program must be incorporated into any proposed plan of QAT development and integration. Any action taken without benefit of this important research would be premature and ill advised.
  - ii. **It will take time to integrate quiet aircraft into the existing fleet.** As one example of this, we cite the precedence set by operators of jet aircraft in their successful transition to the quiet technology offered by Stage III aircraft. There, operators required over 40 years for the

Statement of Daniel W. Anderson  
President, Grand Canyon Air Tourism Association  
27 July 1994

full and complete implementation to take place. In the same way, air tour operators will need time in order to make the transition to quieter aircraft. As with operators of jet aircraft, the economic realities faced by air tour operators require that they be given ample time to integrate quieter aircraft into their fleet.

- iii. **The transition to quieter aircraft is already occurring naturally.** Independent of any regulatory action, aircraft operators and manufacturers have recognized the long term advantages of quieter aircraft and have already spent millions of dollars in developing technologies to reduce noise impacts. Two aircraft manufacturers have already certified quiet aircraft and virtually all others are currently designing quieter aircraft. At Grand Canyon, the two largest operators of fixed wing and rotor wing aircraft have already developed aircraft which offer substantially less sound emission. Competitively motivated by their example, other operators are now looking for ways to reduce sound as well. Rather than regulatory or legislative requirements to use quiet aircraft, as exemplified by the principle of "noise budgets", operators must receive additional positive economic incentives in order to expedite the transition to quieter aircraft. Such things as investment tax credits, overflight fee abatement, federal loan programs, etc. must be developed to give operators the positive economic incentive to invest in quiet aircraft technology. Additionally, manufacturers must be given positive economic incentives in order to encourage them to develop and build quieter aircraft.
- iv. **The quiet aircraft currently available are unacceptable to most of our member operators.** Although they offer the promise of quieter technology, the fixed wing and rotor wing aircraft cited as the "quietest" do not meet the needs of five out of six of our members operationally or financially. The DeHavilland DHC-6 Twin Otter, for example, is far too large an investment for most operators and, for this and other reasons, is virtually unavailable to them at Grand Canyon. (see attached memo to Scott Speer, FAA, dated 17 May 1994). Likewise, the NOTAR helicopters produced by McDonnell Douglas, although fine aircraft, are far more expensive to acquire and operate than conventional tour helicopters. Furthermore, our members have found that the MD 520N does not meet their specifications for use in tour operations because of its limited seating capacity and its comparatively small interior and poor passenger window configuration. Additionally, since McDonnell Douglas is the only manufacturer with NOTAR technology, to require the use of NOTARs would serve to create an unregulated monopoly on tour aircraft production.

Statement of Daniel W. Anderson  
President, Grand Canyon Air Tourism Association  
27 July 1994

- v. **Government must set the example for QAT integration.** Currently, the National Park Service and other government agencies contract a variety of conventional aircraft over national parks and other federally controlled lands which are noise sensitive. These aircraft are an important tool used by these agencies to fulfill their respective missions. As an example for commercial operators, those agencies contracting aircraft over noise sensitive areas must be required to integrate quieter aircraft into their fleet within a reasonable time frame. Mandating the use of quiet aircraft in government operations and contracts which necessitate flights over noise sensitive areas is an important first step in the overall development and integration of quiet aircraft technologies.
- vi. **Quieter aircraft will never satisfy rabid opponents of aviation.** It is a fact that there are those who are vociferous advocates of a total elimination of aircraft overflights. Regardless of whatever advances are possible with respect to quieter aircraft, these anti-aviation activists will never be satisfied so long as aircraft overflights are occurring. Even if aircraft sound could be eliminated completely, some aviation opponents would still remain dissatisfied. These extreme positions fail to recognize the positive environmental and visitor experience benefits offered by aircraft access to national parks and other lands. Therefore, plans to develop and integrate QAT must be made with the understanding that no matter how great the progress toward quiet aircraft, opposition to aircraft overflights will remain.
7. **Next, visitors must be educated about the location and purpose of aircraft overflights.** If visitors are told of the positive effects of aircraft overflights (i.e. access without ecosystem impact, river/hiker signalling and rescue, environmentally sensitive transportation of materials, etc.), they will certainly hold aircraft in a different light. If what they are told is that aircraft are "fundamentally incompatible with park values," then it will not be surprising when their visit is tainted by aircraft. As a positive example of this principle, one river rafting operator at Canyonlands National Park told me how they use this method with great success. As their group is floating down the river, the first time an aircraft flies overhead, the guide tells the group that it is probably their pilot, picking up another group, and that they'll be meeting up with him at the end of their journey. Each time they see the aircraft, they tell the group that the aircraft is "checking on them" as it is enroute. This gives the passengers a secure feeling, knowing that should they get into danger, they will be able to signal the next aircraft that flies overhead. Thus, throughout the journey, the aircraft is positioned as a friend to the passengers, rather than an intruder. Imagine the difference it would make to the ground visitor's experience if aircraft are simply characterized as a benefit rather than a detriment. If visitors are

Statement of Daniel W. Anderson  
 President, Grand Canyon Air Tourism Association  
 27 July 1994

told when and where to expect aircraft, along with the positive benefits of those aircraft, then ground visitors are neither surprised nor annoyed when the aircraft flies overhead. It is this type of positive information which must be shared with Park visitors if the NPS is to achieve one of its goals of enhancing visitor enjoyment.

8. The FAA must retain complete control of airspace. Many aviation opponents wish to see the Park Service given greater and greater authority to control airspace above national parks. In order to preserve the integrity of the national airspace system, the FAA must retain its sole jurisdiction over airspace, and be allowed to fulfill its primary mission of promoting air commerce in a sensible manner.
9. This Committee should not seriously consider the National Park Overflight Bill introduced by Congressman Pat Williams. Making air tour operators concessionaires of the Park is tantamount to giving control of airspace to the National Park Service. It would not be long until every federal, state, and local agency was seeking similar jurisdiction. In addition, it would place the fate of hundreds of thousands of air tour visitors solely in the hands of the National Park Service, an agency whose actions are evidence that it has failed to give proper weight to the needs of these important Park visitors.
10. This Committee should not seriously consider the Park Overflight Bill introduced by Congresswoman Patsy Mink. The extreme nature of this bill is overkill in an area which has already had dramatic improvements as a result of the regulatory and voluntary measures currently in place. There is a saying "if it ain't broke don't fix it." At Hawaii and Grand Canyon both, the current systems are working well, and do not need the far reaching measures proposed by Congresswoman Mink and others.

## **V. Conclusion**

In conclusion, aircraft are the most environmentally sensitive means of accessing the pristine wilderness of our national parks. The air tour visitor leaves no trash, no trail erosion, and no graffiti. In fact, the air tour visitor leaves no trace of his or her visit to our national parks.

Aircraft are an important means of access for hundreds of thousands of visitors each year. These are people who do not have the physical stamina, the time, the money, or perhaps even the interest in accessing remote areas on the ground. In the words of Superintendent Jack Davis, "they are going to want to

Statement of Daniel W. Anderson  
President, Grand Canyon Air Tourism Association  
27 July 1994

come and enjoy the Canyon in their own way." The rights and needs of park visitors choosing to take an air tour should be given the weight that they deserve.

It is generally an accepted fact that safety has improved dramatically. To confirm this, one need only to review the FAA study of Air Tour Operations In The Grand Canyon which finds that "Air tour operator accidents relative to total operations have significantly and consistently declined over the past five years."

The regulations at Grand Canyon are working, and should not be highly modified. At Grand Canyon, SFAR 50-2 has done it's job, natural quiet has been substantially restored. The evidence to support this conclusion is overwhelming, if only it is weighed objectively. I challenge those who say otherwise to hike with me into the flight free areas of Grand Canyon and show me the tremendous noise impacts they claim are occurring. Having hiked Grand Canyon only 10 days ago, I can tell you that such a challenge will never be met.

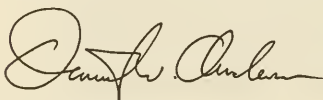
We ask that this committee support our recommendation to make minor adjustments now, then form a Federal Advisory Committee for the purpose of considering standards, evaluation, further adjustments, and innovative ways of reducing noise impacts. We ask that the Park Service be directed to work with air tour operators to develop a visitor education program which will enhance the enjoyment of the visitor's park experience. We exhort this committee to do all within it's power to maintain complete control of airspace by the FAA. And finally, we ask that the Williams and Mink Bills not be seriously considered.

I want to thank the Chairman and this Committee for the opportunity to address you today. We, and the hundreds of thousands of visitors we serve, are counting on each of you to bring reason and common sense to a process that to date has been led by emotion and opinion rather than fact. It is clear that

Statement of Daniel W. Anderson  
President, Grand Canyon Air Tourism Association  
27 July 1994

without that balanced voice of reason, this process will continue in the same  
helter-skelter manner in which it has been led. Thank you for ensuring that such  
is not the case.

Respectfully submitted this 27th day of July, 1994.

A handwritten signature in black ink, appearing to read "Daniel W. Anderson". The signature is fluid and cursive, with the first name "Daniel" being particularly prominent.

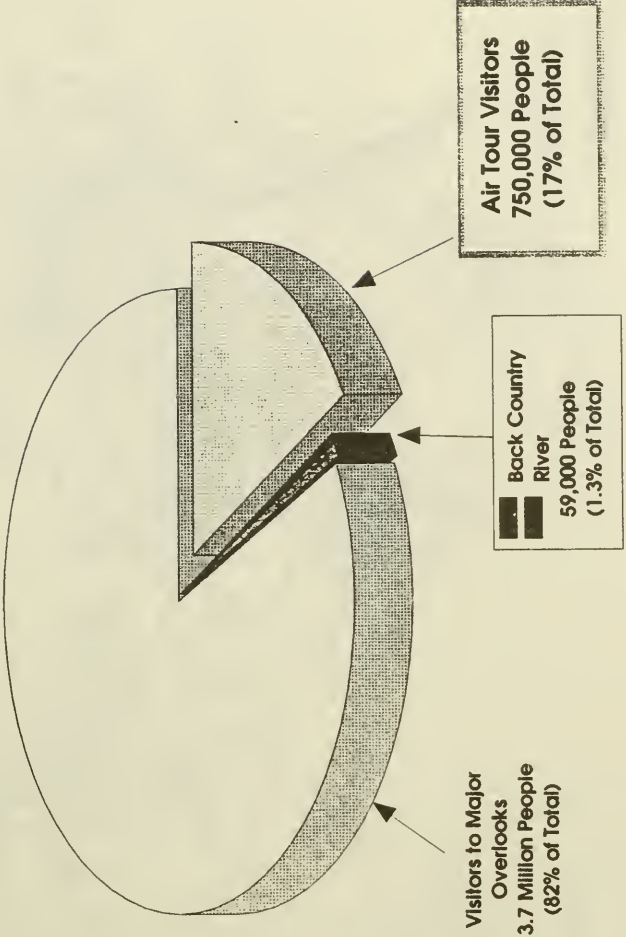
Daniel W. Anderson

Enclosures:

- 1) Exhibit "A" - 1992 Grand Canyon Visitor Distribution
- 2) Map 1 - Grand Canyon Routes Prior to SFAR 50-2
- 3) Map 2 - Grand Canyon Routes After Implementation of SFAR 50-2
- 4) Air Access Coalition - Issues on Access of Aircraft Overflights of National Parks

EXHIBIT "A"

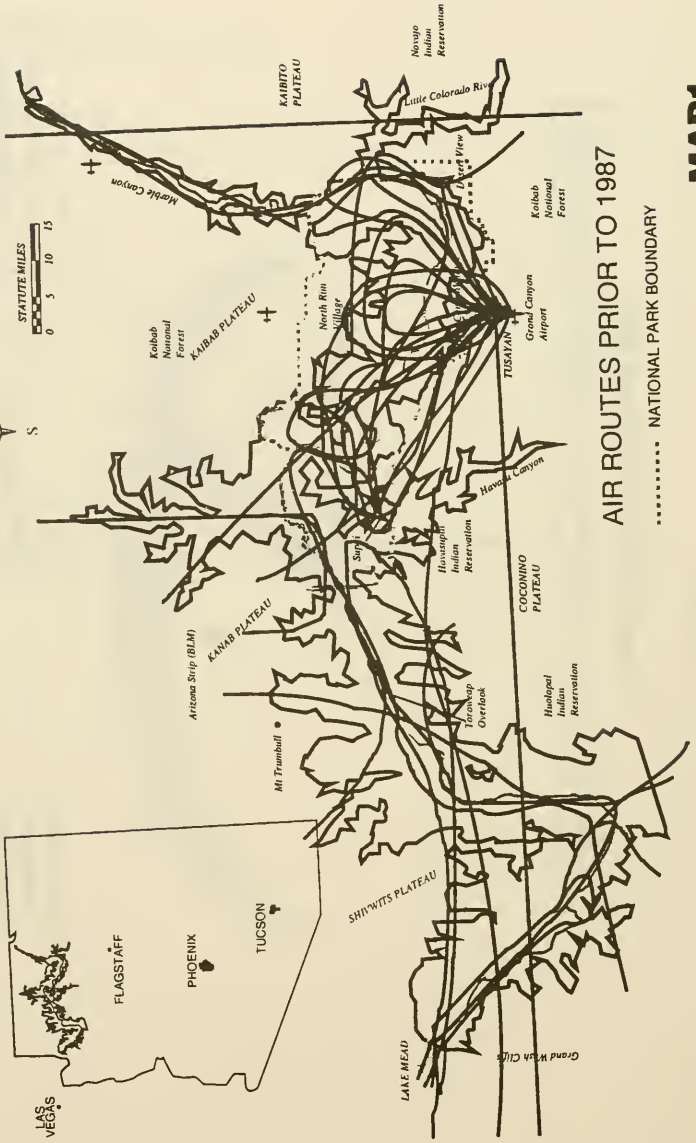
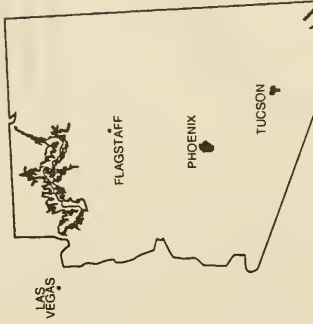
**Grand Canyon National Park**  
1992 Distribution of 4.5 Million Park Visitors By User Group



# GRAND CANYON



AREA OF MAP  
180 MILES



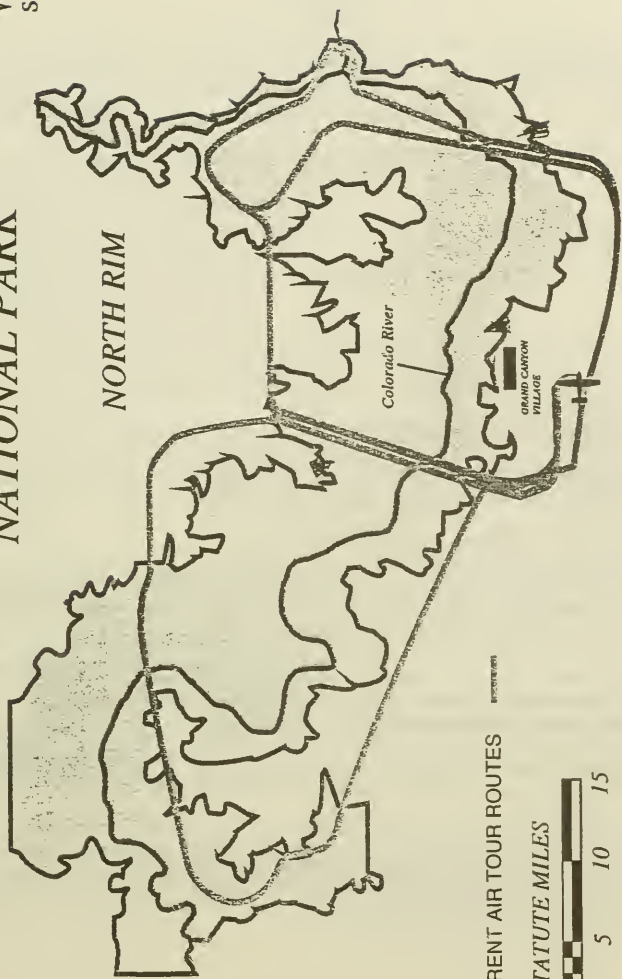
AIR ROUTES PRIOR TO 1987

..... NATIONAL PARK BOUNDARY





# GRAND CANYON NATIONAL PARK



NORTH RIM

Colorado River

GRAND CANYON  
VILLAGE

CURRENT AIR TOUR ROUTES

STATUTE MILES



SOUTH RIM

Bennett / Cox, Consultants

**MAP2**



STATE OF ARIZONA  
EXECUTIVE OFFICE

FRED SYMINGTON  
GOVERNOR

July 14, 1994

Federal Aviation Administration  
Office of Chief Counsel  
Attention: Rules Docket (AGC-200)  
Docket No. 27643  
800 Independence Avenue, S.W.  
Washington, D.C. 20591

Re: Overflights at Grand Canyon National Park

As Governor of Arizona, I have particular interest in the proposed regulations regarding aircraft management policies affecting the airspace over Grand Canyon.

The Grand Canyon is a symbol of the monumental power of nature, and of mankind's indomitable desire to conquer obstacles of great magnitude, and to enhance our spirit through exploration of our world.

For our nation, the Grand Canyon is the crown jewel of our system of National Parks, and the deserving recipient of care and attention to its ecological needs.

For the State of Arizona, it is an important resource as well. Arizona has played host to millions of visitors over the years and, in that role, we have invested many state resources into providing services, accommodations and amenities to enhance the experience for those visitors.

Federal Aviation Administration  
July 14, 1994  
Page Two

The Arizona Department of Transportation is the owner of the Grand Canyon National Park Airport in Tusayan and has other responsibilities in the park vicinity. Therefore, we have a vested interest in the regulations which would impact the experience and the access of visitors to Arizona.

In January, I requested, and was granted, participation in the decision-making process of the Interagency Working Group which was charged by the Secretaries of Interior and Transportation to review and make recommendations on the overflight issue. To date, my office has not been invited to attend any meetings or to comment on any proposals forwarded by that group. As explained previously, this issue is of vital interest to the citizens and visitors of Arizona and I wish to express the position of my office.

First, our number one concern must always be to protect and enhance the safety of air tour passengers and operators. No amount of noise reduction is worth a compromise in air safety. On that, I am sure, we can all agree.

Second, the public must be broadly involved in the effort to define our objectives and our strategies. There will certainly be broad disagreements among constituencies about what represents sufficient protection. Nonetheless, we should ensure that the interest and concern of the widest array of people be solicited and utilized.

Third, we must deal honestly with facts and evidence as they arise. I am familiar enough with statistics to know their power is often abused by those seeking to score political points. Emotional and subjective observations are not sufficient. We must establish measurable standards by which to determine the threshold of impact and establish remedies accordingly.

Fourth, we should not seriously consider elimination of overflights. These parks belong to all of us, and many are simply not able to experience the wonder of the Grand Canyon on foot. Overflights have a place in our National Parks. The challenge is in precisely defining that place, in concert with other uses and needs.

And, lastly, we must vigorously explore ways to encourage the development of economical and appropriate technical improvements resulting in quieter aircraft. Incentives and funding for manufacturers must be provided, as well as programs which would make it feasible for companies to adapt or replace air fleets with quieter technology.

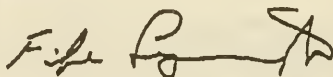
Federal Aviation Administration  
July 14, 1994  
Page Three

Recent legislation introduced by Senator John McCain requires FAA and NASA to determine the status of current research and development of quiet technology and to determine whether further research is necessary to develop "safe, effective and economical noise reduction technology that would result in aircraft that operate at substantially reduced levels of noise." Clearly, utilization of quiet aircraft technology should not be mandated until it is known what technology currently exists and how it can be applied with the criteria defined in Senator McCain's legislation.

Every visitor to the Grand Canyon must be afforded the opportunity to experience the Canyon from various perspectives. Some have peered across its majestic landscape from the edge; others have ventured within. Still others have sought the Eagle's perspective and taken plane and helicopter to be inspired by the Canyon's depth and breadth.

I am committed to protecting the natural resources of the Canyon, as well as the rights of all individuals to experience it in diverse ways. Our mission should not be to single out one type of use to the virtual elimination of others. We should focus on a difficult but, I believe, attainable challenge; to maximize the visitor enjoyment to the park, no matter what venue they choose.

Sincerely,



Fife Symington  
GOVERNOR

FS:jk



## ARIZONA DEPARTMENT OF TRANSPORTATION

AERONAUTICS DIVISION  
 P.O. BOX 13588, MAIL DROP 426M  
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FIFE SYMINGTON  
 Governor

GARY ADAMS  
 Division Director

LARRY S. BONINE  
 Director

July 13, 1994

**COPY**

Federal Aviation Administration  
 Office of Chief Counsel  
 800 Independence Avenue, SW  
 Washington, DC 20591

Attention: Rules Docket (AGC-200)  
 Docket No. 27643

The Arizona Department of Transportation, Aeronautics Division would like to take this opportunity to comment on the Advanced Notice of Proposed Rule Making (ANPRM) 4910-13, concerning commercial overflights over national parks.

The Aeronautics Division has been involved and a participant since the beginning of the overflight issue and the development of the the Special Federal Aviation Regulation (SFAR) No. 50-1 at the Grand Canyon National Park. Most recently we participated in the Finding a Balance Workshop that met in March of this year at Flagstaff, Arizona. We are the owner and operator of the Grand Canyon National Park Airport, from which many of the commercial overflights originate, and we are the state agency required to assist in the safe and orderly development of aviation in Arizona. During the years it has taken to develop the current Grand Canyon National Park Special Federal Aviation Regulation, we have found it extremely difficult to obtain accurate, unbiased data upon which to base logical decisions. However, one item which we firmly believe, is that the control and regulation of all airspace should be the sole responsibility of the Federal Aviation Administration (FAA). By allowing other entities or agencies even the smallest amount of authority in this responsibility will create unending demand for further division of airspace to the degradation of the national airspace system.

Below are comments to specific questions within the ANPRM:

Policy:

1. Should commercial sightseeing flights be prohibited over certain national parks? If so, what criteria should be used in determining which parks should not have such tours?

- We see no reason, other than safety to prohibit flights. We do agree that under certain unique circumstances, such as the general public health, welfare and national security, the FAA may wish to restrict flight over certain areas.

However, this authority does not apply, nor should it apply to an issue of one group or individual's right versus another group or individual's right. In this case, an argument can be made that one agency is responsible for ensuring the right to travel while another agency is responsible to ensure the right to quiet enjoyment. We believe this is a public policy issue which is best decided by elected officials and should not be decided by competing agencies in the executive branch of government.

2. Should action pertaining to aircraft overflights in national parks be considered only for air tour/sightseeing operations? What circumstances would include other categories of overflights?

- We believe it is discriminatory to single out the air tour industry for these types of restrictions and under only highly unusual circumstances would it be appropriate to include other categories.

3. What factors should be considered by NPS and FAA in evaluating recommendations for addressing aircraft overflights?

- The factors should be site-specific and actions should be site specific to minimize or mitigate the cause of the problem

Technical:

1. Is the use of quiet technology aircraft a viable alternative for reducing noise from commercial air tour/sightseeing operations in national parks?

- We believe it is possible that new technology could reduce noise but without detailed cost/benefit information we are uncertain and unconvinced.

2. Should all commercial air tour/sightseeing operations be conducted under rules of FAR Part 135 and/or 121?

- We think that it is unnecessary regulation since most commercial air tour/sightseeing operators are currently successfully operating under Part 135. Those operations outside these FAR's are such a small number, as to be insignificant.

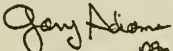
FAA - Office of Chief Counsel  
 Rules Docket (AGC-200), Docket No. 27643  
 July 13, 1994  
 Page 3

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3. Should air carrier operators be required to have special specifications for conducting sightseeing flights?
  - The safety record of the industry is excellent, it is unnecessary to focus special regulations on them.
4. Should there be special airspace rules for identified units of the national parks system?
  - There already are special airspace rules. The issue is where they should be expanded and/or new ones created for the rest of the park system. We believe that each park is unique with its own types of overflight problems (i.e. fixed wing vs. rotorcraft, water landings vs. overflights, low level flights vs. noise complaints, etc.). If special airspace rules are adopted, then they should be established on an individual case by case method in a partnership with all stakeholders.
5. Should the measures developed for Grand Canyon and Hawaii become models for more general use at parks with actual or potential overflight impacts?
  - No. First, all parks are "different" environments. To establish rules that work at one for another is not realistic. Each has a different populace visiting as well as an affected resident base. Volume and type of overflights will differ depending on the park and if any special rules are developed, they should be tailored to the affected park unit.

The Division supports using a "Voluntary Measure" process such as the one currently being used at the Grand Canyon National Park or a model similar to it, depending on the park and the issues involved. The Arizona Department of Transportation, Aeronautics Division opposes unneeded regulation and recommends the issues be resolved after the pending Congressionally mandated studies from the Department of Transportation and the Department of Interior are reviewed, considered and acted upon by the U.S. Congress.

Sincerely,

  
 Gary Adams  
 Director

GA/dm

ANPRM/Comments:DM



Sunrise, Mt. McKinley

Ansel Adams

## SIERRA CLUB LEGAL DEFENSE FUND, INC.

*The Law Firm for the Environmental Movement*

223 South King Street, 4th Fl., Honolulu, HI 96813 (808) 599-2416 FAX (808) 521-6841

### TESTIMONY SUBMITTED TO THE SUBCOMMITTEE ON AVIATION U.S. HOUSE OF REPRESENTATIVES

for the July 27, 1994 Hearings On

### LEGISLATION AND REGULATIONS AFFECTING SCENIC OVERFLIGHTS ABOVE NATIONAL PARKS

By

Denise Antolini, Managing Attorney  
Sierra Club Legal Defense Fund  
Mid-Pacific (Hawai'i) Office

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Good morning Chairman Oberstar and Honorable members of the Subcommittee. On behalf of the many concerned citizens of Hawai'i, I would like to extend our fondest aloha and gratitude to you for holding this hearing. Your subcommittee's review of the very important pending legislation and regulations on tour aircraft overflights over the national parks is critical to moving all parties toward a speedy and just resolution of this increasingly volatile issue.

My name is Denise Antolini. I am the Managing Attorney of the Sierra Club Legal Defense Fund's Mid-Pacific Office in Honolulu, Hawai'i. The Legal Defense Fund is a national, non-profit law firm that provides legal services to citizens groups seeking to protect the environment. (We are completely separate from the Sierra Club.) In Hawai'i, we represent a wide range of citizens groups -- from community associations to nationally recognized groups -- on a variety of environmental law issues, primarily in the courts.

Today, I am presenting this testimony on behalf of a statewide coalition of 13 Hawai'i organizations representing over 10,000 Hawai'i residents. Those organizations are: Citizens Against Noise (represented here today also by Barry Stokes and Ed Clark), Tour Aircraft Control Coalition, Sierra Club - Hawai'i Chapter, Conservation Council for Hawai'i, Big Island Rainforest Action Group, Black Sands Beach Property Owners Association, Puna Outdoor Circle, Maui Air Traffic Association, Wai'alea 'Iki Ridge Parks Beautification Association, Hawai'i's Thousand Friends, 1000 Friends of Kaua'i, Life of the Land, and Hawai'i Audubon Society.



After briefly summarizing the legal actions that we have or will soon take on this issue, I want to address the pending legislation, the Advanced Notice Of Proposed Rulemaking, and the criteria that should be used to evaluate a workable solution to this problem.

The Legal Defense Fund has taken two specific actions to address the growing problem of tour aircraft overflights over the national parks. First, in January 1994, we submitted a formal petition to the Federal Aviation Administration ("FAA") for rules to control overflights over "noise sensitive areas" throughout Hawai'i. These areas include: national parks, wildlife preserves, public parks, historic sites, public/private facilities, and residences.

Our petition calls for a number of regulatory reforms, including: substantial altitude limitations and stand-off distances, universal Part 135 certification, larger and clearer display of identification marks on aircraft, enhanced safety devices (such as pontoons and floatation devices), instrument-rated flight, and an automatic enforcement system. Our petition specifically requests that overflights and "nearflights" be banned in Hawai'i's two national parks and four national historical parks and sites. Notably, the Hawai'i State Legislature passed a resolution in April of this year supporting adoption of the Legal Defense Fund's petition to the FAA.

Second, on April 22, 1994, the Legal Defense Fund notified Secretary Bruce Babbitt that it intends to sue the Department of Interior for failing to submit to Congress in a timely manner the Public Law 100-91 Aircraft Overflights Report. As of August 18, 1994, the report will be four years overdue. It is obvious that Congress and the agencies are finding it very difficult to move forward either with legislation or regulation until the report is complete. Therefore, it is critical that this Gordian knot quickly be cut. Further delay is unacceptable to Hawai'i's citizens.

Turning to the pending legislation being considered by this Committee and to the ANPRM, I wish to emphasize three points.

First, the debate over whether tour aircraft should be allowed to fly over or near our national parks is no longer about whether such restrictions will be implemented, but rather when and how. Even the operators recognize that the era of unfettered freedom due to the lack of FAA regulation is rapidly coming to a close. The clash between this free-wheeling, highly profitable industry and the traditional values that led Congress to establish the national park system is truly a crisis that requires swift and firm federal intervention -- whether it be by the FAA, Congress, or the courts.

Second, the 13 Hawai'i groups that I represent fully and wholeheartedly support H.R. 1696. Congresswoman MINK has provided strong leadership on this important issue that directly affects so many of her constituents. Her legislation rightfully recognizes that the problem of tour aircraft overflights over Hawai'i's national parks is an acute crisis that demands immediate redress. Similarly, H.R. 4163 represents a step in the right direction because it affirms the bedrock principle that the National Park Service, not the private operators, should control profit-making activities that adversely affect vital park resources. Congressman Williams' bill also recognizes that the tour aircraft business is currently receiving specially favorable treatment compared to other national park users due to the lack of meaningful regulation and virtual coddling by the FAA.

We ask that you favorably review both bills and that this Subcommittee exert continuing leadership on this issue. If no substantial progress is shown within four months, we ask that you hold an oversight and investigatory hearing to determine who is defying Congress' intent to get this issue resolved.

Third, we support the FAA's recent move to propose national regulations on overflights. However, following the FAA's very extensive public meetings in January 1994 in Hawai'i on this issue, during which the FAA heard mass public outcry for regulation, the timid ANPRM issued in March was a disappointment. A milktoast approach to this problem will simply backfire because it will provoke further inquiries by Congress and prompt citizens to seek redress through the courts.

At bottom, we believe that Congress' and the agencies' approach to this crisis should be guided by three primary criteria: (1) maximum protection for the fundamental values of our national parks, particularly "natural quiet" but also recreational users and wildlife; (2) ease of enforcement and minimal burdens on the National Park Service; and (3) maximum protection from noise and accident risk to the communities victimized by low-flying aircraft buzzing to and from the parks.

In conclusion, we ask that you favorably consider legislation that will fully protect Hawai'i's national parks, and similarly besieged parks nationwide, from the degrading, severe, and constant noise pollution of the tour aircraft industry. We look forward to supporting the efforts of your subcommittee and other members of the House and Senate on this issue.

Mahalo (thank you) for your consideration and for caring about the people and fragile environment of Hawai'i.



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Statement of Phil Boyer

President  
Aircraft Owners and Pilots Association

Before the

House Committee on Public Works & Transportation  
Subcommittee on Aviation

The Honorable James L. Oberstar, Chairman

Concerning Legislation and Regulations  
Affecting Scenic Overflights Above National Parks

July 27, 1994

Mr. Chairman, my name is Phil Boyer, and I am President of the Aircraft Owners and Pilots Association.

AOPA represents the interests of 325,000 individual members who own and fly general aviation aircraft to fulfill their personal and business transportation needs. That is 60% of the active pilots in the United States. AOPA members own or lease 52% of the aircraft in the general aviation fleet.

We appreciate the opportunity to testify concerning potential legislation and regulations affecting scenic overflights above national parks. This is a complex and issue, and it is of great interest to our members.

General comments. I've begun my presentation today with a brief videotape which illustrates one of the points we want to emphasize. It's a bit tongue-in-cheek, but it demonstrates the fallacy of the "natural quiet" concept which has become so important in this debate. There are many potential sources of noise in our national parks -- some more desirable than others. The minimal impact of transient general aviation aircraft flying over the parks must be considered in context with the other elements of civilized society which unavoidably have an impact on national parks.

We recognize that FAA efforts to manage and improve utilization of the national airspace must take into consideration the impact of aircraft noise on sensitive areas such as our national parks. We are prepared to continue working with the FAA, the Department of Interior, our colleagues in the aviation industry, and environmental interest groups.

I want to stress two fundamental points, however. First, in this matter as in all others, we firmly support the Federal Aviation Administration as the final authority over the regulation of airspace. To allow the Parks Service or other federal agencies to exert authority over the national airspace would be unacceptable. We urge the Committee to stand behind the FAA as the appropriate federal agency for the management and regulation of our nation's skies.

Second, keep in mind that transient general aviation overflights comprise less than five percent of the total air traffic over national parks. These flights are scattered randomly in the airspace above parks, and they constitute a safe and legitimate use of the national airspace by general aviation. Furthermore, the FAA and the Parks Service have publicly acknowledged that the FAA's recommended minimum altitude of 2,000 feet above ground level is honored by most transient operators. We believe the recommended 2,000 foot minimum altitude has worked very well to ensure a reasonable degree of protection at national parks.

In my own flying, Mr. Chairman, I typically contact a flight service station or other appropriate ATC facility and request suggested routings or guidance if I know my route of flight will take me over a national park. I believe my personal practices are representative of the great majority of general aviation pilots.

You might appreciate some recent survey results which indicate the perspective of our members. We learned that 92% of AOPA members surveyed perceive that general aviation flights over national parks do not pose a significant problem for people visiting the parks. Eighty-seven percent of our members surveyed think that general aviation flights over national parks should not be restricted in any way other than by normal flight restrictions and operating procedures.

It's interesting that these numbers coincide closely with the percentage of the general public that visits parks and does not complain about aircraft noise. It is our belief that 70% or more of pilots and the general public which visit our parks see no need for changes to current airspace or regulatory guidelines at national parks.

The impact of mandatory restrictions. The joint rulemaking statement issued last March by FAA and the Parks Service draws a specific distinction between general issues relating to parks overflights, on the one hand, and the specific issue of overflights at Grand Canyon National Park and the national parks in Hawaii, on the other. With regard to the Grand Canyon and Hawaii, special emphasis is placed on overflights by commercial tour operators.

It is appropriate to distinguish between the overflights issue generally and the specific situations at the Grand Canyon and in Hawaii. With respect to the Grand Canyon, for example, the conditions on which the existing special flight rule is justified are unique. The combination of the unusual terrain and the high volume of commercial air tour operators at the Grand Canyon is unmatched anywhere in the world.

But implementing similar overflight rules at other national parks is unnecessary and would unfairly impact general aviation. AOPA strongly opposes such overflight restrictions at other national parks. The expansion of mandatory restricted airspace over national parks could severely limit the utility of general aviation aircraft.

It is interesting to note that the State of Alaska has emphasized this point in its formal comments to the FAA about park overflights. Particularly in Alaska, but also in many less developed regions of the country, general aviation is heavily relied upon as a primary means of transportation. As the State of Alaska points out in its comments, "Restrictions on [park]

overflights could dramatically increase the risks and flying time for light aircraft, which of necessity must often fly at low altitudes."

Here's how the Grand Canyon rule itself illustrates our point that broad flight restrictions could impact the utility of general aviation aircraft. At the Grand Canyon, we have suggested that lowering the minimum altitude restriction over the canyon from 14,500 feet above sea level would be very helpful. This would allow aircraft without supplemental oxygen systems to transit the area.

As you may know, general aviation pilots are required by regulation to utilize supplemental oxygen above 14,000 feet. Only the most sophisticated aircraft are likely to be equipped with supplemental oxygen. In addition, most general aviation aircraft are not powered by turbo charged engines, and their performance characteristics prevent them from flying much higher than 12,000 feet. The existing altitude restriction over the Grand Canyon is a significant impediment for pilots traveling through the area. While most of our members in that region of the country seem to have accepted the Grand Canyon special flight rules, I feel confident they would not want to see them expanded elsewhere.

Aircraft noise. As I acknowledged in my opening comments, most of the proponents of restrictions on park overflights point to noise as the justification. Yet a report to Congress prepared by the National Forest Service suggests that overflight noise is not a significant problem in most wilderness areas. The report contains the following statement:

"Aircraft noise intrusions did not appreciably impair surveyed wilderness users' overall enjoyment of their visits to wildernesses nor reduce their reported likelihood of repeat visits."

The Forest Service report goes on to say that military tactical aircraft were reported to be more annoying than small propeller-driven aircraft. This report was prepared in response to the National Parks Overflights Act of 1987, and it is entitled Potential Impacts of Aircraft Overflights of National Forest Service System Wilderness.

As for the concept of "natural quiet," a recent study completed for the Parks Service seems to confirm that the concept is indeed elusive. The report is entitled Evaluation of the Effectiveness of SFAR 50-2 in Restoring Natural Quiet to Grand Canyon National Park. This voluminous report became available only recently, and we're still evaluating it. But we've found nothing in it so far which suggests that transient general aviation overflights are a serious problem at the Grand Canyon.

As we interpret the report, in fact, it appears to reach two important conclusions with which we agree. First, the concept of "natural quiet" is difficult to define. Second, it is equally difficult to determine when "natural quiet" has been restored.

This brings me to a matter contained in the joint FAA and Parks Service rulemaking statements which I can't help mentioning. When we think of noise sensitivity and our national parks, it is more secluded parks and wilderness areas which usually come to mind. And reasonable people can disagree about the appropriate approach in such cases. But the rulemaking statements also refer to the impact on Parks Service properties such as the Statue of Liberty National Monument in New York City.

Mr. Chairman, I lived in Manhattan for many years, and I think it's fair to say that most New York City residents gave up long ago on the chances of restoring "natural quiet" to the region. I also doubt that a few more flights over the Statue of Liberty will have much impact on the "wildlife" one normally associates with New York City.

I raise this in a humorous sense to re-emphasize the more serious point. It would be virtually impossible to develop a generic regulation that covers all parks. Whatever legitimate measures might be considered should be tightly structured to ensure that they address the issue in the least restrictive manner possible. A broad brush approach is unfair and will not work.

General aviation safety. Finally, a word about safety. Media attention to specific aircraft accidents in a high visibility area such as the Grand Canyon always heightens public concern regarding safety. But current NTSB accident data indicates continuing improvement in general aviation safety.

According to the NTSB, general aviation experienced only 8.79 accidents for every 100,000 hours flown during 1993. The fatal accident rate for 1993 was reported by the NTSB to be 1.67 per 100,000 hours flown, a decline of 10.7% from the previous year. The 1993 accident rates are among the lowest on record since collections of this data began in 1939. In the words of the NTSB, "General aviation accidents registered historic lows in number of accidents, fatal accidents, and fatalities." While reasonable measures to further improve the safety record of general aviation are always welcome, the outstanding safety statistics of our industry must also be kept in perspective.

\* \* \* \*

Mr. Chairman, park overflights are a legitimate means of enjoying these treasured public lands without leaving behind

trash and debris, or trampling vegetation and eroding soil. I repeat that we are committed to working cooperatively to address whatever legitimate concerns exist. But we are confident this can be done without imposing additional mandatory restrictions. Voluntary measures can be both fair and effective.

Thank you for the opportunity to offer our comments on this issue. We look forward to working with the Committee on this and other issues of importance to our members.



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## TESTIMONY OF THE

## GRAND CANYON TRUST

BEFORE THE SUBCOMMITTEE ON AVIATION  
OF THE COMMITTEE ON PUBLIC WORKS  
AND TRANSPORTATION

## U. S. HOUSE OF REPRESENTATIVES

JULY 27, 1994

Thank you, Mr. Chairman. My name is Terry Bracy, and I am speaking to you today as a member of the Board of Trustees of the Grand Canyon Trust. The Grand Canyon Trust is a regional organization dedicated to conserving the natural resources of the Colorado Plateau. The Trust has been at the forefront of efforts to protect the natural quiet and solitude of national parks and other public lands on the Colorado Plateau and nationwide.

Some of the members of the subcommittee may recall that I have been intimately acquainted with air transportation matters in my former role as Assistant Secretary of Transportation and as a representative of various aviation interests. It is a pleasure to testify again before this subcommittee, on a subject as important and timely as efforts to preserve the natural tranquility of the "crown jewel" of our National Park System, the Grand Canyon.

The Grand Canyon Trust applauds current Administration initiatives to restore the natural quiet and experience of the Grand Canyon, as mandated by the National Parks Overflights Act of 1987 (NPOA). Secretary of Transportation Pena, Secretary of the Interior Babbitt and their staffs took a positive first step toward this goal when they initiated the joint Transportation/Interior working group last December. The working group's Advanced Notice of Proposed Rulemaking (ANPRM) is the first attempt by the two departments together to define the problem and its scope, outline some possible solutions, and solicit comment from interested parties outside the NPS and FAA.

Testimony of the Grand Canyon Trust  
House Subcommittee on Aviation  
July 27, 1994. Page 2

However, crucial information necessary to evaluate options presented in the ANPRM has been sorely lacking. I am referring to the report to Congress, required by the NPOA, on the effectiveness of measures instituted pursuant to that law to restore natural quiet to the Grand Canyon. The report is now four years overdue. We urge the National Park Service (NPS) to make these results available as soon as possible so that meaningful discussions can take place to revise the special aviation rules for Grand Canyon (SFAR 50-2) and so that the suitability of the Grand Canyon model can be evaluated in the context of the proposed rulemaking. We urge the Departments of Transportation and Interior to provide for further public review and comment on the ANPRM once the NPS report is available and prior to publication of any subsequent notice of proposed rulemaking or final rule. However, resolution of the crisis at Grand Canyon - whether administratively or legislatively - must be independent of the ongoing rulemaking.

In summary, my comments today focus on the following themes:

1. The NPS and FAA together have ample existing authority to regulate the airspace to protect national park values such as natural quiet and solitude;
2. Air tours over national parks "use" parks by consuming the natural quiet resource, imposing costs, and detracting from scenic values;
3. The NPS is the agency that should decide what level of protection of park resources is necessary for the NPS to achieve its mission and mandates under existing law and regulations;
4. The model of the NPOA wherein the NPS made recommendations for airspace management to protect park values, and the FAA implemented those recommendations (subject to change only to protect airspace safety), should be considered for extension to all units of the National Park System;
5. Resolving the overflight noise crisis at Grand Canyon National Park should occur independently of the ongoing rulemaking process, incorporating the findings of the NPS studies and resulting in the strengthening of SFAR 50-2. The revised SFAR 50-2 must include limits on the number of air tours over the Grand Canyon in order to achieve the goal of the NPOA; and

Testimony of the Grand Canyon Trust  
House Subcommittee on Aviation  
July 27, 1994. Page 3

6. The NPS must be able to prohibit or otherwise limit tour flights over those units of the National Park System where necessary to safeguard natural quiet and solitude.

#### I. Existing NPS and FAA Legal Authorities

The Grand Canyon Trust has prepared a thorough analysis of the current legal authorities and obligations of the FAA and NPS in regulating the airspace to protect national park (and other) values. This analysis is provided as Appendix I to my testimony. I would ask that this appendix be included with my testimony in the written record of this hearing. Appendix I analyzes the FAA's authorities in the context of the Federal Aviation Administration Act of 1958, as well as the Transportation Act, Noise Control Act of 1972, National Environmental Policy Act, and relevant memoranda and case law. The analysis also reviews the NPS's authorities in the context of the Organic Act (1916), Redwoods Act, National Parks Overflights Act of 1987, and relevant legislative history and case law. The analysis reveals that the NPS and FAA together have sufficient existing authority to regulate the airspace over national parks to protect values such as natural quiet, and that they are obligated to do so at Grand Canyon National Park. My remarks follow from the legal foundation presented in this appendix.

#### II. Mandates and Responsibilities of the NPS and FAA

As correctly described in the ANPRM, scenic tour flights over national parks detract from park values and impair park resources in some units of the National Park System. In particular, parks that were established to protect special wilderness qualities such as solitude, natural quiet, and unimpaired scenic vistas, as well as those established to preserve places of spiritual, historical, and cultural significance, may be adversely affected by the noise volume, frequency, duration, and proximity of overflights. As a matter of both law and common sense, air tours "use" national parks and their resources, in the context of the "Hall's Crossing" case discussed in Appendix I: air tours consume the natural quiet resource; they derive financial gain from park scenic values; and they impose costs on the NPS and park visitors.

In this regard, it is important to distinguish between air tours and long-distance transcontinental or regional air traffic. Air tours, by virtue of their purpose, location, duration, and elevation, clearly use park resources for financial gain. In contrast, the scenic values of overflying national parks are entirely incidental to high-altitude transcontinental and regional air traffic, and are irrelevant to the marketing and sale of seats on such flights.

Testimony of the Grand Canyon Trust  
House Subcommittee on Aviation  
July 27, 1994. Page 4

Much of the controversy about national park overflights arises from the concern that managing national park airspace to protect park values would require the FAA to relinquish jurisdiction over the airspace to the NPS. Objectively, however, the NPS and FAA clearly could cooperate and coordinate their management activities in order both to protect park values and to maintain the safety and efficient use of the nation's airspace.

As reviewed in Appendix I, the Organic Act of 1916 gave the NPS the authority to manage the national parks to achieve the purposes for which they are established, which is:

"to conserve . . . [park resources] . . . 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" (emphasis added).

Clearly, the Organic Act requires that park resources should be enjoyed and left unimpaired by present and future generations. Further, the ANPRM correctly stated that certain national parks were created to protect natural quiet and solitude, attributes that are increasingly difficult to experience in large parts of the United States and thus are of increasing value to the public. There is no law, rule, or policy that guarantees the right to enjoyment of park resources by any means, regardless of the negative impact that enjoyment causes. Actions, activities and uses that are not fully consistent with the NPS's highest mission to preserve parks' precious natural, cultural and historic resources should be prohibited or, at the very least, strictly limited. The NPS, as a matter of common sense, must be authorized to prohibit or restrict such activities in order to achieve its mission.

Furthermore, as discussed in Appendix I, the FAA has no requirement or obligation to protect the businesses, or the level of business, of air tour operators currently operating over national parks. The NPOA of 1987 provides a useful model. The NPOA specifically limited the FAA's review of the NPS's management recommendations to matters regarding the safety of air traffic over the Grand Canyon, prohibiting the FAA from making changes to enhance air commerce or the efficiency of air travel. The proposed rulemaking and any future legislation must affirm the priority of NPS requirements for protecting park resources over the promotion of particular business interests in the management of park airspace.

We support wholeheartedly the NPS Management Policies (1988) that provide that the decision as to whether a particular action constitutes an "impairment" of park resources is a NPS management decision, not the prerogative of any other agency. As noted

Testimony of the Grand Canyon Trust  
House Subcommittee on Aviation  
July 27, 1994. Page 5

above, the NPS is charged with managing park resources in accordance with the Organic Act. For many units of the National Park System, natural quiet, solitude, and peacefulness are undeniably park resources. This includes not just the "wilderness" parks such as Grand Canyon, Zion, Bryce Canyon, Arches, Canyonlands, and Capitol Reef on the Colorado Plateau, but also may include cultural, historical, and spiritual parks such as archaeological sites, battlefields, and monuments.

No one knows the National Park System as does the National Park Service. Additional legislation or new regulations should authorize and direct the NPS to identify those units of the park system in which quiet and solitude constitute values to be protected. New measures should further authorize and direct park superintendents to: inventory and evaluate the opportunities for quiet and solitude within their units; identify those uses of park resources that most impair these values; and identify appropriate areas and degrees of quiet that must be protected in order to meet NPS objectives. New measures should require the superintendents of those units in which quiet is a significant park resource to develop recommendations for measures to protect this value.

Implementation of measures to protect the quiet of national parks does not require the FAA to cede its authority over the nation's airspace to the NPS. Section 3 of the NPOA for Grand Canyon National Park (discussed in Appendix I) provides the most relevant example. The NPOA required the Secretary of the Interior to develop recommendations that would achieve the "substantial restoration of the natural quiet and experience of the park." The FAA Administrator was to review the proposed recommendations to ensure that they would not jeopardize the safety of the airspace and, barring any adjustments to protect airspace safety, the Administrator was to implement the Secretary's recommendations without further change.

While directing the NPS to make recommendations to restore natural quiet, the NPOA preserved the FAA's authority to implement the most effective measures possible to meet the NPS's management recommendations. Just as no one knows parks as does the NPS, no one understands airspace management as does the FAA. The FAA retained its ability to control the airspace by designating flight routes and altitudes, spacing of aircraft, reporting requirements, etc. But the FAA used this authority to support the management goals of its co-agency, the NPS.

The Grand Canyon Trust recommends that the NPOA model for Grand Canyon National Park be extended to all units of the National Park System. Additional legislation or new rules should require each park unit to evaluate to what extent natural quiet,

Testimony of the Grand Canyon Trust  
House Subcommittee on Aviation  
July 27, 1994. Page 6

solitude, and/or peacefulness constitute park resources or values; to identify the appropriate areas and degree of protection for those resources; and to develop recommendations to achieve these management goals. This would facilitate NPS managers' identifying those park system units where natural quiet is of such importance that no impairment of the resource by tour overflights would be acceptable, as well as those units or portions of units either where natural quiet, solitude, and peacefulness are relatively unimportant resources or where a certain level of impairment of such resources would be acceptable. The NPS should be directed to focus on those high-priority units of the park system where protection of quiet and solitude are of paramount importance or where these resources are imminently or seriously threatened.

As in Section 3 of the NPOA for Grand Canyon, new legislation or regulations should preserve the FAA's authority to review NPS recommendations to maintain airspace safety, but should otherwise require the FAA to implement them. Although the Grand Canyon Trust is aware of the argument that this would result in the "balkanization" of the nation's airspace by making certain areas off-limits to sightseeing aircraft, we maintain that the FAA has traditionally accommodated the needs of the military in this fashion, and further reiterate that this recommendation in no way alters the FAA's jurisdiction to establish rules governing the use of the airspace. Rather, the Grand Canyon model affords the FAA the opportunity to use its authority to support one of its own missions (to regulate airspace to protect the environment for the public benefit) as well as the mission of the NPS.

### III. Grand Canyon National Park

The Grand Canyon is one of the "crown jewels" of our National Park System, a universally recognized natural wonder. Its profound natural quiet and solitude are among the principal features park visitors come to experience. However, aircraft noise significantly detracts from the experience of these park values. Congress passed the NPOA in 1987 in part because it recognized that "[n]oise associated with aircraft overflights at the Grand Canyon National Park is causing a significant adverse effect on the natural quiet and experience of the park . . ." and directed the NPS and FAA to take action to restore that natural quiet and experience.

Despite implementation of SFAR 50-2 in 1988 pursuant to the NPOA, natural quiet has not been substantially restored to the Grand Canyon, according to the ANPRM and the NPS's preliminary study results. The number of tour operations over the canyon has more than doubled since the NPOA was passed in 1987. Further, in

Testimony of the Grand Canyon Trust  
House Subcommittee on Aviation  
July 27, 1994. Page 7

1993 the number of tour flights from Grand Canyon National Park Airport had already exceeded projections made in the 1991 Airport Master Plan for the year 2000. As noted in the ANPRM, "there is ample evidence that the uncontrolled and unregulated growth in this sector [tour overflights] is in derogation of the resources and values of the park." In addition, the ANPRM correctly notes that "most, if not all, of the gain [in limiting air tour noise impacts] has been, or may be, lost as a result of the exponential growth in numbers of flights over the canyon."

Despite this significant impact on the park, tour flights are still the only commercial use of the park whose numbers are unlimited. Commercial river trip passengers must reserve places a year or more in advance because the NPS strictly limits user-days in order to protect the river environment; private river runners may wait more than seven years for a permit for the same reason. The NPS also limits the size of mule trips to protect park resources. Hotel accommodations, rim campsites, and backcountry use are strictly limited as well. Even commercial aerial filming requires a permit from the NPS, the numbers of which are carefully controlled. Visitor services such as lodging, river and mule trips, restaurants, and retail outlets operate as concessionaires under contract with the NPS.

Through concessionaires' contracts, the NPS is able to exert strict controls on the extent and nature of commercial activities in order to safeguard park values and resources. However, the NPS currently has no ability to restrict the number of air tour flights that occur over the canyon in order to protect the natural quiet and experience of the park. The rulemaking, any subsequent legislation, and the revision of SFAR 50-2 required by the NPOA must give the NPS additional authority to limit the number of flights in order to achieve the goal of the NPOA.

Because of the enormous growth in air tours in recent years and the continued derogation of park values despite special restrictions (SFAR 50-2), additional measures are necessary at Grand Canyon to achieve the goal of the NPOA. Resolving the crisis at Grand Canyon should proceed independently of the current rulemaking process, by strengthening SFAR 50-2 and completing the report to Congress as required by the NPOA. The Grand Canyon Trust participated in the "Finding a Balance" workshop, which took place in Flagstaff, Arizona in March 1994, to gather information from a variety of sources for use in revision of SFAR 50-2. The comments and recommendations we contributed to the workshop are included with my testimony as Appendix II. Again, I would respectfully ask that this appendix be incorporated into the written record of this hearing.

Testimony of the Grand Canyon Trust  
House Subcommittee on Aviation  
July 27, 1994. Page 8

Subject to any revisions which the Grand Canyon Trust may believe are warranted based on the results of the NPS studies required by the NPOA, the Grand Canyon Trust recommends that the following measures be included in the revised SFAR 50-2 and incorporated into regulations or additional legislation, in order to accomplish the goal of the NPOA (refer to the map included in Appendix II):

1. Establish a daily limit on the number of tour overflights;
2. Restrict flight corridors to less than 10 percent of Grand Canyon National Park. Design those corridors to minimize the diffusion of noise into flight-free zones;
3. Allow no more than two commercial tour routes that cross the Grand Canyon anywhere within the national park;
4. Eliminate the Dragon and Zuni Point flight corridors;
5. Establish flight-free zones in the western third of the Grand Canyon and in the Marble and North Canyon regions of the park, significant parts of the canyon that are currently unprotected by flight-free zones;
6. Establish flight-free seasons within the park, and at a minimum prohibit overflights during the oars-only (no-motor) river season (September 15 to December 15);
7. Prohibit flights that parallel the Colorado River; design all flight corridors to be perpendicular to the river;
8. Prohibit flights that parallel hiking trails;
9. Set aircraft noise thresholds as determined by NPS research and prohibit aircraft that violate those levels;
10. Establish incentives that reward the use of less noisy aircraft (such as preferred routes, flight times, or elevations);
11. Establish incentives that encourage flights by aircraft that minimize the amount of noise per passenger, and discourage flights by aircraft that have high noise-to-passenger ratios;
12. Establish a total "noise budget" (in decibels and frequency of occurrence) for canyon overflights;



Testimony of the Grand Canyon Trust  
House Subcommittee on Aviation  
July 27, 1994. Page 9

13. Regulate operators of commercial air tours over the Grand Canyon as concessions under the Concessions Policy Act; and
14. Continue the NPS's noise monitoring program.

#### IV. Other National Parks

In addition to the Grand Canyon, other national parks on the Colorado Plateau are experiencing problems with air tours. National park managers, park visitors, and residents of nearby communities have all expressed concerns about the impacts of air tours on values such as natural quiet, solitude, wildlife, archaeological and cultural resources, and scenic beauty.

National park superintendents throughout the Colorado Plateau view air tours as the single most dangerous and imminent threat to their ability to protect park values and provide a high-quality visitor experience. Superintendents are frustrated by their present inability to enforce limits on air tours as they already do on other park uses. Parks where air tours do not yet exist or are relatively few provide a special opportunity for the NPS and FAA to set a precedent by establishing protection of park values, along with safety, as the highest airspace management objective. The Grand Canyon Trust recommends that new rules or legislation should direct the NPS to identify those park system units where tour flights should be banned as a first priority (as discussed in Section II above).

Visitors complain about the noise and visual impact of low-flying aircraft above the parks on the Plateau. These parks are characterized by deep canyons and steep rock walls, and are renowned for their spectacular beauty, geologic and archaeological treasures, and their profound natural quiet and opportunities for solitude. Air tours are fast becoming a frequent intrusion into this peaceful world. National park superintendents throughout the Colorado Plateau report that noise from air tours is the source of the largest number of visitor complaints. In recent years, new tour operations have been established to fly over Zion, Bryce Canyon, Arches and Canyonlands national parks to take advantage of the increases in visitation these parks are experiencing. Unfortunately, the tours threaten the very values that attract new visitors.

National park neighbors - the "gateway communities" located in the transportation corridors adjacent to the parks - are also disturbed about air tours. The members of this subcommittee, as well as the NPS and FAA, must realize that many park gateway communities are opposed to air tour operations precisely because aircraft noise consumes the natural quiet which typically

Testimony of the Grand Canyon Trust  
House Subcommittee on Aviation  
July 27, 1994. Page 10

surrounds these communities and which is an important tourism asset in its own right. For example, Springdale, Virgin and Rockville, Utah, gateway communities on the corridor leading to Zion National Park, all have opposed the siting in their communities of a helicopter tour operation flying over the park. These same communities have stated affirmatively their support for a total ban on air tour flights over Zion National Park. Similar issues regarding the impact of air tours have arisen in Moab, Utah, the gateway to Canyonlands and Arches national parks. Members of the subcommittee should not assume that park gateway communities categorically support air tour operations for economic reasons. Many of these communities recognize that natural quiet and opportunities for solitude are important economic assets to be protected.

At present, there are no regulations to protect these parks from air tour noise impacts. Only the FAA's advisory circular recommending a minimum elevation of 2,000 feet above ground level applies to these parks, and this voluntary recommendation is not widely followed. Tour operators who do observe the voluntary minimum elevation will find themselves at a competitive disadvantage compared to those who offer tours "close-up" at lower elevations. Superintendent Don Falvey of Zion National Park reports that one operator has voluntarily agreed to maintain a 10,000-foot minimum elevation over the floor of Zion canyon and to fly the less-noisy Twin Otter aircraft, but he notes that under the current regulations the NPS cannot take enforcement action against other operators who would fly noisier aircraft at lower elevations. The NPS must not be forced to rely on the good will of an occasional tour operator in order to protect natural quiet. Any legislative or rulemaking effort should result in NPS aircraft management recommendations to protect natural quiet, including prohibitions on tour overflights where deemed appropriate, and FAA implementation of those recommendations (unless safety dictates otherwise), in advance of noise impacts disrupting natural quiet.

\* \* \*

Thank you for this opportunity to participate in today's hearing. We look forward to participating further in the legislative and administrative efforts to protect the natural quiet of our national parks from impairment by noise from tour overflights. Please do not hesitate to contact Julie Gale at the Grand Canyon Trust's office in Washington, DC at (202)797-5429 with additional questions.

\* \* \*

Attachments

Testimony of the Grand Canyon Trust  
House Subcommittee on Aviation  
July 27, 1994. Page 11

#### APPENDIX I

##### Existing FAA and NPS Legal Authorities

The FAA has broad authority to regulate the airspace pursuant to the FAA's governing statute, the Transportation Act, and the National Environmental Policy Act. The FAA's authority includes the ability to regulate the airspace to prevent harm to property or to serve the public interest. This authority is provided by the FAA's governing statute, the Federal Aviation Administration Act of 1958 (the "FAA Act"). 49 U.S.C. § 1301 et. seq. Section 307 of the FAA Act provides the Administrator of the FAA (the "Administrator") with the authority to "prescribe air traffic rules and regulations governing the flight of aircraft . . . for the protection of persons and property on the ground . . . , including rules as to safe altitudes of flight." 49 U.S.C.A. App. § 1348 (emphasis added). Moreover, the Administrator has the authority to "modify or revoke" any airspace assignment "when required in the public interest" or to "grant exemptions from the requirements of any rule or regulation . . . if he finds that such action would be in the public interest." Id. (emphasis added).

Therefore, by its plain language, the FAA Act grants the FAA authority to regulate the airspace as in the public interest. Plainly, the "public interest" includes the authority to regulate the airspace to preserve the serenity of the environment. Further, the national parks constitute "property" that the FAA is obligated to protect. Therefore, the FAA has the authority to regulate or restrict overflights in the national parks.

Further authority to regulate noise from large-scale commercial flights was granted to the FAA in the Noise Control Act of 1972 which provides that the FAA "shall prescribe and amend such regulations as the FAA may find necessary to provide for the control and abatement of aircraft noise and sonic boom." 49 U.S.C.A. App. Section 1431. Previously, the FAA interpreted the Noise Control Act broadly, as granting it authority "to issue regulations, to afford relief and protection to the 'public welfare' from aircraft noise." FAA Memorandum at 4.

The FAA has interpreted the FAA Act as expressly authorizing the regulation of the airspace for "not only 'protection from hazard' but [also] from aircraft noise." Memorandum dated November 20, 1979 from Chief Counsel of the FAA to C-1 entitled "FAA Authority to Regulate Airspace To Protect Wildlife Refuges" at 3. In that memorandum, the FAA interpreted the term

Testimony of the Grand Canyon Trust  
House Subcommittee on Aviation  
July 27, 1994. Page 12

"property" as used in the FAA Act as including not only private property but also public lands and resources. Id. The FAA concluded that "the adverse impact of aircraft noise on natural habitats may be ameliorated under [the FAA Act] even if persons on the ground are not directly impacted by the noise." Id. at 3. The FAA also interpreted the FAA Act as granting the authority to preserve parks and recreation areas. Id. at 4.

Another statute, section 4(f) of the Transportation Act, restricts the approval of transportation projects which involve the "use of publicly owned land from a public park or recreation area" to those projects where:

- (1) there is no prudent and feasible alternative to using that land; and
- (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

49 U.S.C. § 303(c) (1988). The policy of this section, as stated in Section 303(a), is that "special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands."

The restrictions contained in Section 4(f) are triggered when an FAA project "uses" a public park or recreation area. Adler v. Lewis, 675 F.2d 1085, 1091 (9th Cir. 1982). "Any action having more than a minimal effect on lands protected under Section 4(f)" is subject to the above-stated restrictions. DOT Order 56101C, Procedures for Considering Environmental Impacts (1979). Moreover, the term "use" is construed broadly and is not limited to a physical taking, but includes off-site activities. Adler, 675 F.2d at 1092; National Parks and Conservation Ass'n v. FAA, 998 F.2d at 1531 ("[t]he term 'use' is construed broadly"); Citizen Advocates for Responsible Expansion, Inc. (I-CARE) v. Dole, 770 F.2d 423, 441 (5th Cir. 1985).

Airplane noise constitutes a "use" of a National Park. Allison v. DOT, 908 F.2d 1024 (D.C. Cir. 1990); Citizens Against Burlington, Inc. v. Busey, 938 F.2d 190 (D.C. Cir.), cert. denied, 112 S. Ct. 616 (1991). In a recent case, the Tenth Circuit Court of Appeals held that the FAA planned to "use" a park because a proposed airport adjacent to Glen Canyon National Recreational Area would have doubled the current noise level in the park. National Parks and Conservation Ass'n v. FAA, 998 F.2d 1523 (10th Cir. 1994) (the "Hall's Crossing Case"). The court held that the FAA acted irrationally when it determined that such a use did not have a significant impact on the park. Id. The

Testimony of the Grand Canyon Trust  
House Subcommittee on Aviation  
July 27, 1994. Page 13

court reasoned that if airplane noise affects the "relevant characteristics" of a park, a "use" of that park will occur or, in other words, if a park is uniquely serene or quiet, increased noise will "use" a park. Therefore, the FAA is obligated to find alternatives to increased noise in those national parks where natural quiet is a priority and also is obligated to reduce the potential harm from increased noise in those national parks.

As a federal agency, the FAA also is subject to the National Environmental Policy Act ("NEPA"). NEPA provides that all federal agencies shall "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment." 42 U.S.C.A. § 4332(2)(A). This provision mandates that all federal agencies, including the FAA, consider environmental impacts in all decision-making.

The FAA has interpreted NEPA as providing "broad authority to interpret and administer [the Transportation Act and the FAA Act] in accordance with the comprehensive scheme of National environmental policies." FAA Memorandum at 5. Further, the FAA has concluded that NEPA "is not merely declaratory or precatory, but creates a positive duty to achieve the objectives of NEPA in addition to those in the enabling legislation." Id. (emphasis in original). Moreover, the FAA stated that "[i]n cases where the environmental interest to be protected may not fit squarely within Section 4(f) of the [Transportation Act] or the noise abatement provision of the [FAA Act], those sections may 'to the fullest extent possible' be administered to achieve the objectives of [NEPA] which includes '[preservation of] important . . . natural aspects of our national heritage.'" Id. Therefore, under the FAA's own interpretation of its governing statutes, restricting overflights in National Parks where natural quiet is a priority plainly falls within the FAA's authority.

The National Park Service likewise has broad discretion as to how to preserve and protect the natural serenity of the national parks, pursuant to the Part Service's governing statutes and the National Parks Overflights Act of 1987. The primary statute governing the National Park Service is the National Park Service Organic Act of 1916. That statute provides that the Secretary of the Interior must "promote and regulate the use of the Federal areas known as national parks . . . by such means and measures as conform to the fundamental purpose of the said parks . . . which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of same in such manner as will leave them unimpaired for the enjoyment of future generations." 16 U.S.C.A. § 1.

Testimony of the Grand Canyon Trust  
House Subcommittee on Aviation  
July 27, 1994. Page 14

The Secretary of the Interior has "broad discretion in determining what actions are best calculated to protect Park resources." Sierra Club v. Andrus, 487 F. Supp 443, 448 (D.D.C. 1980), aff'd, 659 F.2d 203 (D.C. Cir. 1981). National Park resources are defined broadly and include "any living or non living resource that is located within . . . the boundaries of a unit of the National Park System." 16 U.S.C. § 1911(d). The natural quiet found in the national parks is a resource that adds to the enjoyment of the national parks and the natural and historic nature of the national parks and therefore, the Park Service is statutorily obligated to leave the natural quiet "unimpaired for the enjoyment of future generations."

The Redwoods Act also governs the national parks and provides that "the promotion and regulation of the various areas of the National Park System . . . shall be . . . to the common benefit of all people of the United States. The authorization of activities shall be construed and the protection, management and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these areas have been established." Section 101(b) of the Act of March 27, 1978, P.L. 95-250, 92 Stat. 166 (codified at 16 U.S.C. § 1a-1).

According to the legislative history of the Redwoods Act, "the Secretary has an absolute duty, which is not to be compromised, to fulfill the mandate of the 1916 Act to take whatever actions and seek whatever relief as will safeguard the units of the National Park System." Senate Report 95-528, 95th Cong., 1st Sess., 9 (October 21, 1977); see also House Report 95-581, 95th Cong., 1st Sess., 21 (August 5, 1977), U.S. Code Cong. & Admin. News, p.3. Therefore, the Secretary of the Interior has broad authority to take any action that will "safeguard" the value and integrity of the national parks, including the natural quiet that only is found in our nation's national parks.

The National Parks Overflights Act of 1987 expressly set forth the Park Service's obligations with regard to preserving natural quiet. That statute granted the Secretary of the Interior substantial authority to determine the proper limits on overflights in Grand Canyon National Park. 16 U.S.C.A. § 1a-1 note. As part of the process to promulgate regulations to restore "natural quiet" to the Grand Canyon, the FAA was permitted to review the Park Service's recommendations only for safety concerns. Id. The Overflights Act also mandates that the Park Service, together with technical assistance from the FAA, conduct a three-year study "to determine the proper minimum altitude which should be maintained by aircraft when flying over units of the National Park System." Id. This study likely will

Testimony of the Grand Canyon Trust  
House Subcommittee on Aviation  
July 27, 1994. Page 15

be submitted to Congress within the year with "recommendations for legislative and regulatory action." Id. The FAA may review the Park Service study only to determine if the Secretary's recommendation would have any adverse safety effects.

Testimony of the Grand Canyon Trust  
House Subcommittee on Aviation  
July 27, 1994. Page 16

APPENDIX II

GRAND CANYON TRUST'S  
COMMENTS AND RECOMMENDATIONS  
TO THE "FINDING A BALANCE" WORKSHOP



## G R A N D C A N Y O N T R U S T

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Thomas C. Jensen  
Executive Director

March 25, 1994

Mr. Boyd Evison  
Superintendent  
Grand Canyon National Park  
P.O. Box 129  
Grand Canyon, AZ 86023

Dear Superintendent Evison:

Thank you for hosting last week's workshop on Grand Canyon overflights and for your inspirational opening remarks about the importance of protecting the canyon's natural quiet.

In a separate mailing, we are sending you recommendations prepared by the Grand Canyon Trust and a coalition of environmental interests for amending Special Federal Aviation Regulation (SFAR) 50-2. This letter is intended to offer the advice of the Grand Canyon Trust about priorities and the process for amending SFAR 50-2.

First, we urge the National Park Service (NPS) to move expeditiously and deliberately in making substantial revisions to overflight regulations. Criticisms about NPS noise studies by the air tour industry should not delay the process, nor should the NPS give serious consideration to establishing a federal advisory committee, as the Air Access Coalition has proposed.

In both cases, the air tour industry is challenging the plenary authority of the National Park Service to protect the natural values for which Grand Canyon National Park was established. Although marginal improvements could be made in the NPS noise studies, you now have compelling evidence to conclude that SFAR 50-2 has not substantially restored natural quiet and experience within the park. That evidence provides more than ample reason to revise the existing regulations. In the past, the NPS has appropriately restricted backcountry and river use on the basis of much less evidence than is now available about the adverse impacts of aircraft noise on the natural values of the park.

To postpone decisions in deference to the dilatory arguments of the air tour industry would further erode the ability of the NPS to manage national parks as unique and special places. If the NPS chooses to establish a federal advisory committee to recommend regulatory changes to SFAR 50-2, we can look forward to expensive, prolonged, and protracted debate that will allow substantial increases in aircraft noise over Grand Canyon

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Washington Office: 1400 16th Street, N.W. Suite 500 Washington, D.C. 20036 (202) 797-5429 FAX (202) 939-3427

Superintendent Evison  
 March 25, 1994  
 Page two

National Park. Because the completion of NPS noise studies has already been delayed by more than three years, the number of commercial air tour operators, the number of overflights, and the impact of aircraft noise have all increased significantly and will continue to do so until existing regulations are amended.

The Secretary of the Interior and the Secretary of Transportation have initiated the process for revising SFAR 50-2 at the Grand Canyon and for adopting new rules to protect natural quiet in other national parks. This process provides for public comment and involvement that is available to all affected interests, including the air tour industry. We believe that SFAR 50-2 should be amended under this existing process and that it would be a mistake to create a separate process under the Federal Advisory Committee Act.

Secondly, the Grand Canyon Trust strongly objects to the National Park Service's aircraft management objective, namely, to "Provide a quality aerial viewing experience while protecting park resources." We are particularly concerned that this objective implies that NPS is obligated to provide aerial viewing experiences at Grand Canyon National Park. We are unaware of any legal obligation or authority that would require that the NPS adopt such a policy. Is the NPS required to provide a quality off-road vehicle experience, or any analogous experience, in the park?

With respect to air tour operations, or any other visitor service, the National Park Service should place highest priority on asserting its responsibility and authority to manage the Grand Canyon for those purposes as defined in the General Management Plan (GMP):

"As a place of national and international importance, preserve and protect the natural and cultural resources and ecological processes of the Grand Canyon, as well as its scenic, aesthetic, and scientific values.

Provide opportunities for visitation to experience and understand the environmental interrelationships, resources, and values of the Grand Canyon without impairing the resources."

The GMP specifically identifies the values of "natural quiet and solitude" as significant: "The Grand Canyon is recognized as a place with unusual and noticeable natural quiet, and direct access to numerous opportunities for solitude." The NPS objective for the Backcountry and River Corridor Use Zones is: "Restore and maintain natural quiet by protecting the wilderness character of remote areas." This objective suggests a 100 percent reduction in aircraft noise over those areas of the park.

Superintendent Evison  
March 25, 1994  
Page three

The extent of aircraft noise intrusions at the canyon is in direct conflict with management objectives for the backcountry, river, and developed areas of the park. We believe that the first step to remedy this immediate concern should be to impose further restrictions to reduce the aerial extent of canyon overflights. Moreover, the National Park Service should eschew any policy or objective that states or implies that it is under any obligation to provide for air tours at Grand Canyon National Park.

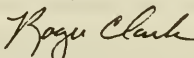
Lastly, we urge the National Park Service to add greater clarity to "the substantial restoration of natural quiet." That definition should be based on whether or not the noise of air tour overflights is audible. The Grand Canyon Trust has previously proposed that the NPS adopt a standard of restoring natural quiet to at least 90 percent of the park, wherein no scenic overflight noise is audible. We suggest that such a standard is very reasonable, given that it would still allow aircraft noise to penetrate 190 square miles of the canyon. However, this standard would require a substantial reduction and revision of existing flight routes to a few crossings at narrow portions of the canyon.

One way to implement the 90 percent standard would be to redesign flight corridors so that natural quiet is restored at first to something less than 90 percent of the canyon (e.g. the Quiet Canyon Coalition proposal seeks natural quiet restoration to 65% of the canyon). The regulation could then rely on a declining noise-budget approach and incentives for making up the difference between the standard and the amount of noise reduction accomplished by redesigning flight corridors. Under this strategy and using the 65 percent proposal, the 25 percent difference could be made up through a phase-in of less noisy aircraft over time.

Another option would be to use temporal restrictions to attain some of the standard. For example, if air tours were prohibited during the motor-free season on the river, natural quiet would be restored to nearly 100 percent of the park for 25 percent of a given year. The remaining restoration of natural quiet could then be attained by reducing flight corridors and providing incentives for less noisy aircraft.

We appreciate your careful consideration of our advice and would be pleased to meet with you and your staff to elaborate on the ideas presented in this letter. We are confident that you are well aware of the window of opportunity that is now available for restoring and protecting one of the fundamental values of Grand Canyon National Park.

Sincerely,



Roger Clark  
Conservation Director

March 25, 1994

Boyd Evison, Superintendent  
Grand Canyon National Park  
PO Box 129  
Grand Canyon, AZ 86023-0129

Dear Superintendent Evison:

Thank you for hosting last week's "Finding a Balance" workshop on restoring natural quiet to Grand Canyon National Park. As you requested, we are enclosing our specific written recommendations.

These recommendations are the consensus of the undersigned organizations and individuals. In general, we believe that fully protecting natural quiet at Grand Canyon National Park will not be possible as long as flightseeing is permitted over the park. We urge the National Park Service (NPS) to recognize its primary responsibility to protect the natural values for which the park was established and to allow only those uses that do not conflict with that primary responsibility.

We agree with the National Park Service's conclusion that natural quiet has not been substantially restored to Grand Canyon. We urge NPS to allow no further delay in actions to remedy the unacceptable levels of aircraft noise. To this end, we urge that NPS adopt an audibility-based definition of natural quiet and recommend immediate changes in the current aircraft regulations to substantially reduce the amount of aircraft traffic over the canyon.

Having first agreed to the general principles below, we have developed a specific, practical proposal which would substantially restore natural quiet to about 65% of the canyon's 277 mile length. We enclose 5 copies of this detailed proposal, with maps, for study by your staff. Our general principles are:

1. Establish the ultimate goal of restoring natural quiet to at least 90% of the park's area (that is, aircraft noise pollution should be audible in less than 10% of the park).
2. Increase the size of noise-free zones and establish new flight-free and noise-free zones in Marble Canyon and western portions of the park.
3. Eliminate the Dragon, Zuni Point, and Fossil Canyon Corridors.
4. Route commercial jets away from the canyon.
5. Reduce the number of flightseeing tours that have a high noise-per-passenger ratio.
6. Reduce the noise of flightseeing tours to at least the levels that existed in 1975, when Congress first required NPS to take action.
7. Minimize flights that parallel the Colorado River and hiking trails.
8. Establish totally noise-free seasons within the park, and at minimum, prohibit overflights during the oars-only (non-motor) river season, currently September 15 to December 15.
9. Establish incentives such as an allocation system that rewards the use of less noisy aircraft.

25 March 1994

Page 2 of 2

10. Set specific noise standards for flightseeing aircraft.
11. Urge NPS to lease quieter helicopters and limit helicopter use for management purposes.
12. For areas outside the flight-free zones, establish a total "noise budget" (in decibels and frequency of occurrence) for canyon overflights.
13. Continue the NPS noise monitoring program.

Thank you for considering our recommendations. We would like to meet with you at your earliest convenience to discuss our proposal.

Sincerely,

QUIET CANYON COALITION

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## Quiet Canyon Coalition

# Aircraft Management Proposal

### Objectives

Our objectives are identical to those listed in the NPS Position Paper on Aircraft Management (02/11/94, Table 1). The most important but difficult of these to achieve are "(a) Restore and maintain natural quiet by protecting the wilderness character of remote areas," and "(b) Provide primitive recreation opportunities without aircraft intrusion in most backcountry areas, most locations on the river, and at destination points accessed by both." Since "most" means the majority (more than half), we have planned our proposal accordingly.

### General Recommendations

In descending order of priority, our general recommendations are:

1. Establish flight-free areas to protect resource areas of greatest importance to ground visitors but no particular value to air tourists, such as trails and important routes, basins with permanent streams, prime rim viewpoints, prime forest, meadow, and wildlife areas (North Rim), "sky islands," and archaeological and historical sites. These areas, listed under the Areas of Critical Concern subheading, were identified by our members who are intimately familiar with all parts of the canyon. The great majority of these areas are in the upper half of the canyon (river miles 10 to 160). However, our proposal would reduce (though not eliminate) noise in parts of the western canyon as well.
2. Divert commercial jet traffic around the heart of the canyon (river miles 50-160) by establishing a flight-free area to 45,000 feet MSL. See Impact on Commercial Jets subheading for details.
3. Reconcile the existing conflict between backcountry and aircraft management plans. At present, those backcountry use zones (primitive and wild) managed for the least visitor impact and greatest

opportunity for solitude often have the *greatest* exposure to aircraft noise.

4. Use economic and regulatory incentives to encourage larger and quieter aircraft, thereby reducing both the number of flights and noise per passenger.
5. Continue to monitor aircraft impacts to assure compliance with the Overflights Act (Pub. L. 100-91). (This is the only recommendation with an ongoing financial burden to the park.)

### Existing Flight-Free Areas

Under current rules, air tourists can view about 90% of the canyon's 277 mile length (measured in river miles). They can fly directly over about 80% of its length. Less than 20 river-miles, or 7% of the main canyon, are free of low-altitude aircraft noise. None of the park enjoys genuine natural quiet, since higher altitude flights are unrestricted.

There are three fundamental problems with the existing flight-free areas (FFAs), as we anticipated in 1987:

- **Too small.** Since aircraft noise carries for many miles, large portions of the FFAs are not, in fact, noise free. (The NPS "Audibility by Operator" report shows air tours audible 7% of the time at Phantom Ranch, some 7 miles inside the Bright Angel FFA.)
- **Ceilings too low.** There is very heavy aircraft traffic above the FFAs, primarily commercial jets. Although jets fly at 18,000' to 45,000' MSL, they are much louder than other aircraft, so the net impact on the ground is often the same. The NPS "Audibility by Operator" report found that commercial jets were audible as much 18% of the time, and more of the time than air tours at 8 of the 23 monitored sites. We believe the report understates the problem because jet traffic appears to peak in the evening hours when no monitoring was done.
- **Other areas degraded.** The FFAs shifted air tour traffic to other, equally high-

quality front- and backcountry areas of the North Rim and eastern canyon (miles 50–75), which previously had relatively little traffic.

The existing FFA's were designed in 1987 to satisfy the following specific goals:

**Shinumo FFA** was established to protect the Shinumo Basin (North Bass trail), South Bass Trail, Apache Pt. Trail, Powell Plateau, wilderness rim points centered on Havasupai Point, Point Sublime, Swamp Point, Elves Chasm, and included sections of the Tonto Trail.

The Shinumo Basin is regarded by many as the finest summer wilderness in the park because it is served by two long permanent streams, has little impact from river tourists, is relatively shady, has outstanding scenic buttes in the Shinumo Amphitheater, and contains one of the park's best "slot canyons" (on White Creek).

Havasupai Point has unusually fine views up and down the canyon and is the only auto-accessible point on the south rim where one can still camp in solitude.

Powell Plateau is the largest and most accessible "sky island," has outstanding Ponderosa forests and archaeological sites, and offers unsurpassed views up and down the canyon.

The Shinumo FFA has been only partially effective. While the Shinumo Basin and Havasupai Pt. are much quieter, Pt. Sublime is still heavily impacted, and air tours are still audible on the upper part of the N. Bass trail (Swamp Pt. to Muav Saddle), on Powell Plateau, and near Elves Chasm.

**Bright Angel FFA** was set up to protect the heaviest use front- and backcountry areas where complaints had been most numerous, including the corridor trails, Clear Creek Trail, Grandview Trail and Horseshoe Mesa, Shoshone Point, and developed rim points. It has been effective in protecting the Corridor and Clear Creek trails, although air tours are still audible on parts of the Grandview and Horseshoe Mesa, and even at Phantom Ranch (7 miles inside the FFA). It has not been effective in protecting the Hermit and Boucher Trails.

**Desert View FFA** was established to protect Desert View and nearby frontcountry, but is too small to be effective.

**Toroweap FFA** was established to protect Tapeats and Deer Creeks and their

waterfalls (which had received heavy impacts and complaints before the law), Kanab Creek and Point, Tuckup Trail, and Toroweap Overlook. Much territory was included in the FFA simply because no air tours wanted it (e.g., Kanab Plateau grazing lands). The Toroweap FFA has been largely ineffective because the southern boundary is at or close to the river. Air tours are still audible at Deer and Tapeats Creeks and there are heavy impacts at Toroweap Pt. and Havasu Creek. However, Kanab Point and Creek, which had little air traffic before, do remain quiet.

**Dragon Corridor** was established primarily to accommodate short, out-and-back helicopter tours from Tusayan. It is also used by many of the 45–60 minute fixed-wing and helicopter loop tours, flying on the Black/Green 1A routes. However, when there are thunderstorms over the north rim, the fixed wing tours turn south at the Mt. Hayden "split" and return along the east rim on Black 1. This alternative actually gives tourists more time over the canyon (see Table 1), so the Dragon Corridor is not essential to the bulk of the Tusayan-based tours. The Dragon Corridor causes heavy impacts on Pt. Sublime, Tiyo Point, Crystal Creek, Hermit and Boucher Trails, and Eremita Mesa (the most accessible south rim wilderness).

The Dragon corridor is a traditional entry/exit point for tour flights. Prior to 1987, it was adjusted several times to reduce impacts—all without success. When the entry point was farther east, there were complaints at Pima Pt. and the Abyss. When it was moved west, complaints increased on Hermit Basin, the Boucher and Hermit Trails, and the unspoiled but easily accessible backcountry rim points to the west. The helicopters formerly went to the outstanding ruins at the head of Tuna Canyon, near Pt. Sublime. Because of very strong visitor complaints, the route was moved one drainage east and now runs up Crystal Creek, one of the very few permanent stream basins in the park without a trail (and which therefore would offer outstanding opportunities for solitude, were it not for aircraft). Aircraft are still audible at Point Sublime 76% of the time, and impacts have increased at Tiyo Point (not monitored by NPS). We believe

there is simply no place to put this corridor without causing unacceptable impacts.

**Fossil Corridor.** Because of the great bend in the canyon around Great Thumb Point, this is not really a corridor, but a wide zone which opens up some 40 miles of canyon to aircraft impacts. In particular, it impacts Havasu Creek, Deer Creek, Tapeats Creek, Stone Creek, Great Thumb Point, Apache Point Trail, Powell Plateau, Swamp Point, and prime north rim forests (Blue 1A and Green 3A run right down the Aspen Trail [road W-4], regarded by those who know it as the most beautiful road in the park, although it was recently closed to vehicles).

The Fossil "Corridor" is used only on the longer tours and is not essential to the flightseeing business. It was added at the insistence of air tour operators so that they would have access to virtually all parts of the canyon. (The only sizeable areas of the canyon which cannot be viewed from air tours today are the Shinumo Basin and the Bright Angel-Clear Creek drainages.)

**Zuni Corridor/East canyon arm.** By default, the bulk of the Tusayan-based air traffic was moved to this zone (river miles 50-75). It would be difficult to design a 50-minute air tour area which impacted a greater variety of important resources: six trails; all of the rim points along the Cape Royal road (both developed and backcountry); two of the half-dozen most outstanding backcountry rim points in the park (Capes Final and Solitude); four permanent stream basins; important archaeological and historical sites (e.g., on Lava Creek and Nankoweap); Hartman Natural Bridge; major south rim frontcountry; and the only major point on the developed south rim where one could formerly find solitude and escape the sounds of auto traffic (Papago Point).

## Our Specific Proposal

See accompanying 11" x 17" map. Within the existing SFAR, we propose a large flight-free area from river miles 10 to 185 to protect Marble Gorge, the historic heart of the Canyon, and Toroweap. A second Shivwits FFA from miles 195 to 220 would give partial protection to some of the western park (Shivwits and Sanup Plateaus), al-

though to very little of the main canyon. The existing **Tuckup Corridor** for general aviation would continue (centered at mile 160). A new **Marble Canyon Corridor** for general aviation would be centered at mile 27. Both corridors would be 4 NM wide and have a floor of 10,500 feet MSL, as at present.

The **Main FFA** covering the historic park (miles 50-160, Nankoweap to Havasu), would extend to 45,000' MSL to exclude commercial jets and other high flying aircraft. The other FFAs would extend to 14,500' as at present. (See Impact on Commercial Jets subheading.)

The **Whitmore Corridor** would accommodate Las Vegas-Tusayan direct (commuter) flights, as well as river put-ins and take-outs and helicopter landings on the south side of the river (Hualpai land), as required by Pub. L. 100-91 § 3(c). The airspace upstream of mile 10 would remain open to allow access to the Marble Canyon and Cliff Dwellers airstrips (used for river trips) and to accommodate general aviation and commuter traffic from Page.

Sightseeing flights would be concentrated in the western third of the canyon (river miles 220-277). This section is already extensively used by Las Vegas operators and there are helicopter landings on the south side of the river, permitted by Pub. L. 100-91 § 3(c). Much of the river in this section has been destroyed or altered by Lake Mead and is accessible to noisy jetboats. The south side of the canyon is Hualpai land and inaccessible to park visitors. The Hualpai have planned a major resort at West Canyon, where there is an airstrip directly on the rim. Therefore, we do not believe it would be feasible to protect this section of the canyon.

Public Law 100-91 implies that NPS may establish flight free areas outside the park boundary in order to protect the park; indeed, one such FFA already exists around Toroweap Overlook. However, the southern boundary of our proposed Toroweap FFA from miles 165-185 and the eastern boundary of the Shivwits FFA from miles 195-220 would presumably be subject to the concurrence of the Hualpai Nation. Should they not concur, it would not be possible to restore natural quiet to any of the main canyon below mile 160, because the river forms the park boundary.



We have placed the southern boundary of the Main FFA from miles 95–165 several miles back from the park boundary to assure protection of the rim and inner canyon. Part of this boundary would be subject to the concurrence of the Havasupai Tribe (the remainder is in Kaibab National Forest). Air access to Supai village would continue, as required by Pub. L. 100-91 § 3(b)(1).

For practicality and to assure protection, we have drawn the eastern boundary of the Main and Marble Canyon FFAs (miles 10–75) at the SFAR boundary.

Other sections of the FFA boundary would fall on public lands outside the park, but we believe the land managers would cooperate, since emergency and management flights could continue, as stipulated in Pub. L. 100-91 § 3(b)(1).

Under our proposal, natural quiet would be substantially or completely restored in about 65% of the canyon's 277 mile length (river miles 15–180 and 205–215), including nearly all of those areas we have identified as critical resources. Most of the remaining 35% of the canyon (100 miles) would continue to experience aircraft noise.

## Areas of Critical Concern

Our proposal was carefully designed to protect the following backcountry areas, which we have identified as those of greatest concern. All major frontcountry areas should, of course, be protected as well. Within each category, areas are listed in downstream order.

**Marble Gorge.** Miles 10–50, including North and South Canyons and Redwall Cavern.

**Trails & Routes.** Soap Creek, South Canyon, Nankoweap, Horsethief, Lava Creek (route), Salt, Beamer, Tanner, Hance, Grandview, Clear Creek, Corridor, Tonto, Hermit, Boucher, North and South Bass, Powell Plateau, Apache Pt. (route), Upper Tapeats Creek (route), Thunder River, Great Thumb, Kanab Creek, Tuckup, and Lava Falls. It is essential that an entire trail be protected (Tonto excepted) so that users can plan a viable trip. There is no advantage, for example, in reducing impacts on the lower part of the Nankoweap (as air tour operators have suggested), while increasing impacts on the upper part.

**Permanent Stream Basins.** Because water is very scarce in the canyon, live streams are absolutely critical to backcountry users. Vegetation, wildlife, and archaeological sites are also concentrated along permanent streams. Again, the entire basin must be noise free so that users can plan a viable trip. The important streams our members have identified are: Nankoweap Ck., Little Colorado, Lava Ck., Red Canyon, Hance Ck., Cottonwood Ck., Clear Ck., Bright Angel-Phantom Ck., Hermit Ck., Crystal Ck., Shinumo-White Ck., Stone Ck., Tapeats Ck., Deer Ck., Kanab Ck., and Havasu Ck.

### Prime Rim Points (Backcountry).

We have chosen these points for their very panoramic views, opportunities for solitude, and ease of access: Cape Final, Cape Solitude, Papago Pt., Shoshone Pt., Tiyo Pt., Pt. Sublime, Cocopa Pt., Swamp Pt., Powell Plateau (several points), Havasupai Pt., Monument Pt., Great Thumb Pt., Kanab Pt., SB Point, Shivwits Plateau (several points).

### North Rim Forests and Meadows.

The park's North Rim (Kaibab Plateau) has the finest surviving forests in Arizona. The Basin meadow is the best wildlife viewing area in the park. Both are now heavily impacted by low-flying aircraft.

**Archaeological Sites.** While there are countless important sites in the canyon, our members have suggested three as being particularly important. All are now heavily impacted by aircraft: Nankoweap ruins, Upper Lava Creek ruins, Pt. Sublime ruins.

**Historic Sites.** Among many historic sites, our members have mentioned two as among the best preserved and most interesting: Bootlegger's camp (lower Lava Ck.) and Bass camp (lower Shinumo Ck.). The bootlegger's camp is now very heavily impacted by aircraft on the Black/Green 1 route.

**Other important destinations.** Powell Plateau (the largest and most accessible "sky island", with outstanding Ponderosa forests and archaeological sites), Elves Chasm, Matkatamba Canyon, Hartman Natural Bridge (upper Lava Creek).

## Impact on River Users

Natural quiet now lost to air tours would be restored to about 180 river miles or 65% of the river's length (or 75% of its running length, above Lake Mead). About 80 miles of river would continue to experience aircraft noise. Existing access to airstrips and helispots for tourist put-ins and take-outs would continue.

## Impact on Air Tours

Under our proposal, air tourists could view about 80 river miles or 30% of the canyon's length, including some of its widest, deepest, and most spectacularly precipitous sections. Most of the Las Vegas-based sightseeing routes would be unchanged.

The chief opposition to our plan comes from Tusayan-based operators who would have to make a longer run over the Coconino Plateau to reach the main canyon. Tables 1 and 2 compare existing and proposed flight distances and prices.

At present, 40 to 50% of the flight distance for Tusayan-based tours is over the plateaus, not the canyon. (The time percentage is less, because operators fly much faster over the plateaus to minimize "dead time.") This 50/50 plateau/canyon distance ratio would continue under our proposal. However, the short ½ to 1 hour flights would no longer be possible. The standard tour would probably increase to 2 hours, its price increasing accordingly. However, air tourists would see much more of the canyon than they do now, as Table 1 indicates. Shorter 1½-hour tours would be possible but the full 2-hour flight would offer customers a better value.

Las Vegas operators now fly an equivalent distance to get to the canyon, and some operators fly canyon tours from as far away as Phoenix and Santa Fe. The longer run to the canyon would give great competitive advantage to larger, quieter, and more efficient aircraft (e.g., Twin Otters), thereby dramatically reducing both flights per passenger and noise per passenger (following our Recommendation #4).

Tusayan-based routes have been tinkered with ever since overflights first became a problem in the early 1970s. Each time routes were moved to reduce complaints in

one area, they created new complaints in another area. Very often, backcountry areas suffered when routes were moved from front-country areas. We have studied this problem for 12 years and have concluded that it will not be possible to improve the status quo while allowing short air tours from Tusayan. Even the narrowest flight corridor creates a 10-to-15 mile wide noise corridor. There is simply no place in the eastern canyon to put a corridor without impacting popular or important resource areas.

When the current flight routes were established, Tusayan-based operators complained that they could not make a profit with a 50/50 plateau/canyon distance ratio; yet business has nearly doubled since then, exceeding all projections. Moreover, a large proportion of the economic activity at Tusayan is generated by commuter flights from Las Vegas, which would not be affected. Therefore, we do not believe that our proposal would have any long-term impact on the overall economic vitality of Tusayan, although it would certainly encourage quieter and more efficient aircraft.

## Impact on Commuter Flights

No significant impact. Las Vegas-Tusayan direct flights (not sightseeing tours) now using routes Blue 1 Direct and Blue Direct South would detour either north through the Whitmore corridor, adding a minute or so to flight time, or south via Peach Springs VOR, adding up to 6 minutes of flight time. The southern route, recommended by Las Vegas FAA, would bypass the SFAR and save operators the per-flight SFAR fee, but might add a few dollars to the cost per passenger.

## Impact on Commercial Jets

No significant impact. Refer to attached Jetroutes map (page 8). There is heavy east-west commercial jet traffic down the length of the eastern canyon, bound for Los Angeles, Las Vegas, and San Francisco. In the evening hours, jet overflights have been observed as frequently as every 2 minutes, resulting in nearly continuous noise. Jets often overfly the canyon at unusually low altitudes—low enough to see windows and colors—presumably because they are descending to Las Vegas. Some flights deliber-

ately alter course to give passengers a better view of the canyon. Therefore, it will not be possible to restore natural quiet without taking commercial jets into account.

Jets fly in the "positive control" airspace between 18,000' and 45,000' MSL. Every flight is radar controlled and must receive specific route permission from regional controllers. As a convenience, the FAA has designated 9-mile wide numbered jetroutes (prefixed J-), although aircraft may follow any route approved by the controllers. Most of the traffic over the park does appear to be within these wide jetroute bands, which effectively cover the entire canyon between miles 40 and 190.

The position of the jetroutes is largely an historical accident, resulting from the location of the VOR radio beacons built many years ago, before commercial jet traffic developed. In particular, Grand Canyon suffers from the location of the Tuba City VOR. With modern avionics, it not necessary to zig-zag from beacon to beacon, as was done in the past; the jetroutes could easily be adjusted around the canyon without physically moving any VORs. At the September 1987 meetings called to implement the Overflights Act, the ranking FAA official said that moving the jetroutes is "easy to do; we do it every day." However, the issue was never followed up. At the March 16-18 (1994) meetings, FAA officials had no specific objections to adjusting the jetroutes around the Grand Canyon but said they were concerned about establishing a precedent.

The Southwest has numerous military restricted airspaces, many of them vastly larger than the Grand Canyon and extending to unlimited altitude (see map). All civilian aircraft are normally prohibited, except, in some cases, on nights and weekends. California-bound jets must weave through a veritable wall of these restricted areas, as the map shows. By contrast, a small restricted or prohibited airspace over the heart of the Grand Canyon, as we have proposed, would have negligible impact on jet traffic.

The four east-west jetroutes that cross the park would be adjusted 5-15 miles to the south or north, adding at most a mile or two to their 2,000 mile transcontinental lengths.

North-south jetroute J11, which connects Phoenix with Salt Lake City and points beyond, now crosses the widest part of the Grand Canyon (river miles 105-135) and impacts many important resource areas, including the Shinumo Basin, Powell Plateau, Tapeats Creek, and Havasupai Point. Our proposal would move it 15 NM west to the Tuckup Corridor. It must not be moved to the east end of the canyon, because that would increase impacts on Marble Gorge and the Paria Canyon Wilderness Area.

Ironically, traffic is concentrated over the canyon in part because of the military restricted areas. For example, jetroute J110, from New York City to San Francisco, detours about 80 miles south to avoid the vast military airspaces of southern Nevada. It appears that one reason traffic over the canyon increases in the evening hours is that the restricted areas through which jetroutes J110 and J128 pass are opened at the end of the military working day.

Because of the east-west orientation of the main runway at McCarran International Airport in Las Vegas (LAS), it will not be possible to alter jetroutes in the western half of the canyon. There is also a Las Vegas holding pattern over the Shivwits Plateau. Therefore, it will not be possible to completely restore natural quiet in the western end of the park.

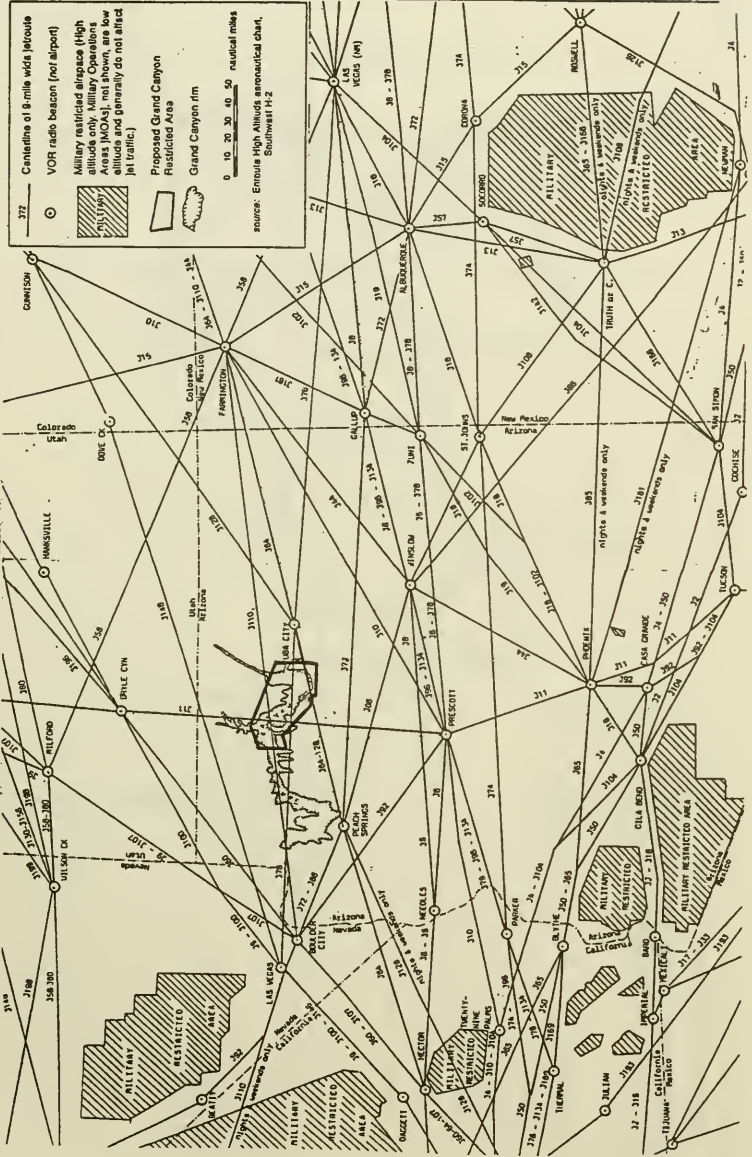
Table 1 TUSAYAN-BASED AIR TOUR DISTANCES

ROUTE	OVER PLATEAU		OVER CANYON		TOTAL
	miles	%	miles	%	miles
Green 2 (Dragon Corridor, Helos only)	24	50%	24	50%	48
Black/Green 1 (Gunther Castle Shortcut)	32	47%	36	53%	68
Black/Green 1 (Full East Canyon Loop)	33	40%	50	60%	83
Black/Green 1A (Over North Rim Loop)	37	45%	46	55%	83
Figure-8 Tour (Black 1A, Blue 1, Brown 1A, Blue 1A)	73	45%	88	55%	161
QUIET CANYON COALITION PROPOSAL (Entire West Canyon Loop)	120	50%	120	50%	240

Table 2 TYPICAL TUSAYAN-BASED FIXED-WING AIR TOUR PRICES (Child-Adult)

Operator, Tour Name	Aircraft, Route	Advertised Flying Time (minutes)	Total Distance (miles)	Over-Canyon Distance (miles)	Price (child-adult) (\$)	Price per passenger mile (\$)	Price per passenger minute (\$)
Air GC "Budget"	Cessna, Black 1 Shortcut	30-40	68	36	35-50	0.51-0.74	0.88-1.67
Air GC "Canyon"	Cessna, Black 1A	50-60	83	46	40-60	0.48-0.72	0.67-1.20
GC Airlines "Highlights"	Twin Otter, Black 1A	45-55	83	46	25-50	0.30-0.60	0.45-1.11
Air GC "Grand"	Cessna, Figure-8	90-100	160	88	70-115	0.44-0.72	0.70-1.28
QUIET CYN. COALITION PROPOSAL	Twin Otter, Entire West Canyon Loop	120 est.	240	120	70-140 est.	0.30-0.60 est.	

**JETROUTES AND RESTRICTED AREAS OF THE SOUTHWEST**  
(18,000' - 45,000' MSL)



QUIET CANYON COALITION

Aircraft Management Proposal  
for Grand Canyon National Park

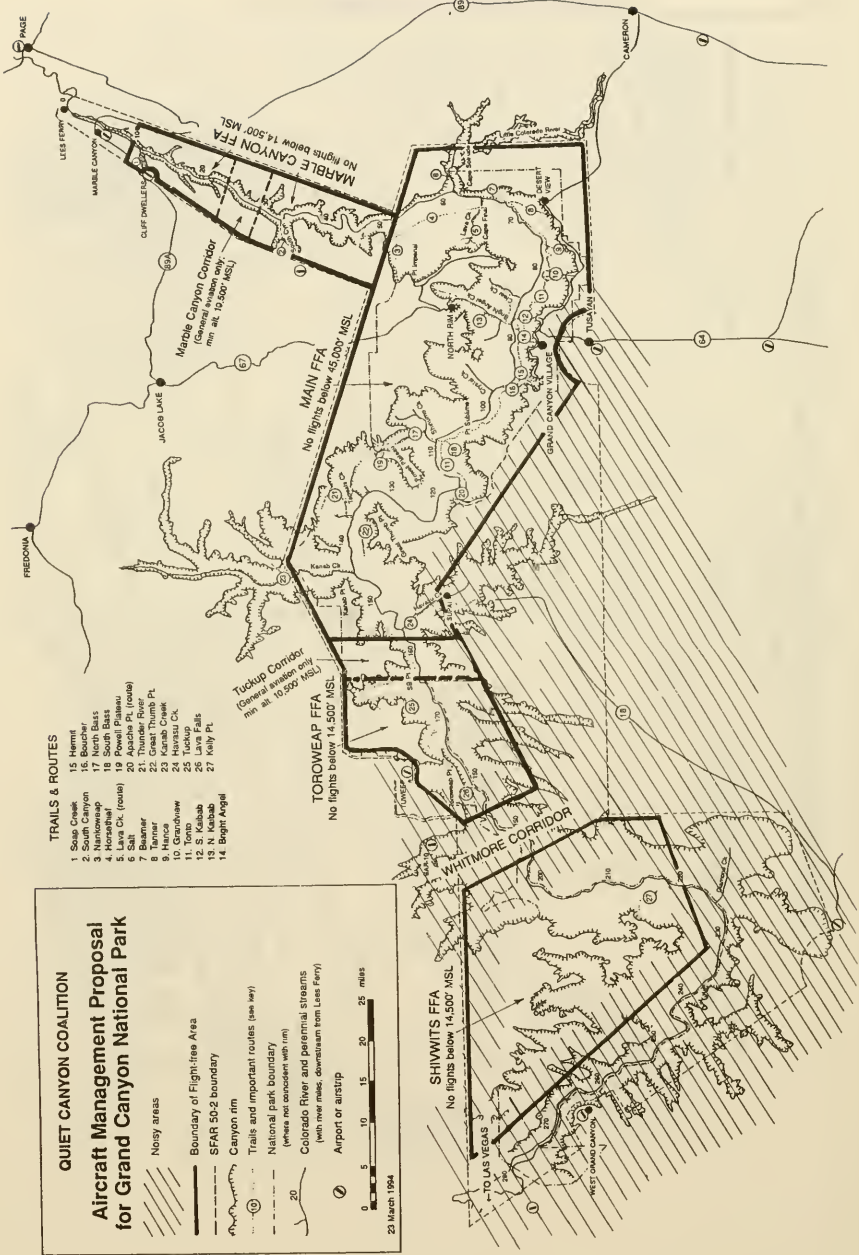
- Noisy areas
- Boundary of Flight-free Area
- SFAR 50-2 boundary
- Canyon rim
- Trails and important routes (see key)
- National park boundary (where not coincident with rim)
- Colorado River and perennial streams (with river name, downstream from Lees Ferry)
- Airport or airstrip



23 March 1964

TRAILS & ROUTES

- 1 Soap Creek
- 2 South Canyon
- 3 Horseshoe
- 4 Horseshall
- 5 Lava Cl. (route)
- 6 Salt
- 7 Pagar
- 8 Tanager
- 9 Harca
- 10 Grandview
- 11 Tuckup
- 12 S. Kabab
- 13 N. Kabab
- 14 Bright Angel
- 15 Hermit
- 16 South Rim
- 17 North Bass
- 18 South Bass
- 19 Powell Plateau
- 20 Anasazi Pl. (route)
- 21 Anasazi Pl. (route)
- 22 Grand Thumb Pl.
- 23 Kanab Creek
- 24 Havasu Cl.
- 25 Lava Falls
- 26 N. Kaibab
- 27 July Pl.



Marble Canyon FFA  
No flights below 14,500' MSL

Marble Canyon Corridor  
(low noise envelope only)  
min. alt. 10,500' MSL

MAIN FFA  
No flights below 45,000' MSL

Tuckup Corridor  
(general aviation only)  
min. alt. 10,500' MSL

TOROWEAP FFA  
No flights below 14,500' MSL

SHIWITS FFA  
No flights below 14,500' MSL

WHITMORE CORRIDOR

TO LAS VEGAS

WEST GRAND CANYON

GRAND CANYON VILLAGE

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MARBLE CANYON

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TESTIMONY OF  
ROBERT N. BROADBENT, DIRECTOR  
CLARK COUNTY DEPARTMENT OF AVIATION  
BEFORE  
THE HOUSE SUBCOMMITTEE ON AVIATION  
HONORABLE JAMES L. OBERSTAR  
WASHINGTON, D.C.  
JULY 27, 1994

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

INTRODUCTION:

My name is Robert Broadbent. I am the Director of the Clark County Department of Aviation/McCarran International Airport, Las Vegas Nevada. Thank you for the opportunity to testify before you today regarding legislation and regulations affecting scenic overflights above National Parks. McCarran International Airport is owned and operated by the Clark County Board of Commissioners. Although the proposed legislation and regulations may affect a number of National Parks, my comments will primarily address the overflights over the Grand Canyon National Park. There are twelve Grand Canyon air tour operations based in Southern Nevada, and most of them use Clark County Department of Aviation facilities.

LAS VEGAS AND GRAND CANYON AIR TOUR:

Las Vegas continues to be a beacon for tourists - both domestic and international. The recent opening of three new Las Vegas mega resorts added 10,000 new hotel rooms. Based on past performance, Department of Aviation staff estimated that passenger totals will increase 20% this year. For the first six months of 1994, passenger totals have actually increased 21.2%. If this pace of growth continues, McCarran International Airport will move from the 15th to the 10th busiest US airport based on passenger volume. Hundreds of thousands of these visitors view Las Vegas as the gateway to the Grand Canyon. Increases in our passenger totals have been reflected in increased passenger volume for the Grand Canyon air tour operators. Scenic Airlines, the largest of the Southern Nevada based Grand Canyon air tour operators, experience its largest



passenger totals this past June and expects even better results in July. The industry expects Southern Nevada based Grand Canyon air tour visitors to increase to over 650,000 enplanements this year.

The Grand Canyon air tour industry is very important to Las Vegas and to the state of Nevada and indeed to the economy of the United States. In 1993, it was estimated that the air tour business had an economic impact on Las Vegas of more than \$250 million through air tour sales, hotel rooms, meals, souvenirs, and gaming. The industry employs over 1,200 people directly and another 2,800 indirectly. As Las Vegas continues to increase its international reputation as a leading family destination, the air tour industry will continue to capitalize on Las Vegas' proximity to the Grand Canyon and experience a corresponding growth in tourism. A very large percentage of Las Vegas' air tour passengers are foreign. In a significant way, the large number of foreign tourists have had a positive impact on the balance of trade, an important economic factor to the nation.

#### FOREIGN VISITORS TO THE GRAND CANYON:

Mr. Chairman, I would like to take a closer look at the number of foreign visitors using air tours to view the Grand Canyon. In 1992, according to the US Travel and Tourism Administration, the Grand Canyon was the second most visited tourist attraction in the US among foreign visitors. Approximately 587,000 foreign tourists visited the Grand Canyon - second only to Disney World. Scenic Airlines flies about 50% of the over half million Grand Canyon air tour visitors from Southern Nevada. In 1993, Scenic Airlines flew 282,651 Grand Canyon passengers. Of that number, nearly 90% were foreign tourists - 40% from Japan and Taiwan alone. The figures are similar for the other operators. For example, Lake Mead Air, which are similar for the

other operators. For example, Lake Mead Air, which in 1993 flew 14,587 Grand Canyon passengers, estimates that 70% of its passengers were overseas visitors. Air Vegas flew approximately 55,000 tourists in 1993 - 99.1% were foreign! This is an important segment of our economy that could be adversely impacted by the imposition of further restrictions, or, as some would have it, the total eliminations of Grand Canyon overflights. Press reports have quoted the National Parks and Conservation Association as saying their goal is to eliminate all Park overflights. Just consider the millions of people such a policy would prohibit from seeing our National Parks. This is not the answer.

#### EROSION OF FAA JURISDICTION:

As an airport operator, there is another important issue that has me concerned - that is control of the airspace above National Parks. The Federal Aviation Act of 1958 gave the Federal Aviation Agency (later the Federal Aviation Administration) control of the use of the navigable airspace of the US and the regulation of both civil and military operations in such airspace in the interest of the safety and efficiency of both. Yielding airspace control to federal land management agencies such as the National Park Service (NPS) as some bills would do, may establish a precedent that could undermine the FAA's jurisdiction of the nation's airspace. Section 104 of the FAA Act affords the right of public transit through the navigable airspace of the US. Regulation of airspace by any other federal agency raises the potential for conflict of interest and runs contrary to the original 1958 Congressional mandate.

DISCRIMINATION AGAINST THE HANDICAPPED AND AGED.

Limiting air access to the Grand Canyon National Park discriminates against the aged and handicapped. In 1993, 4.9 million people visited the Grand Canyon National Park. Nearly 800,000 of those visitors toured the Canyon by air. For those choosing to view the Grand Canyon by air, many did so because of physical challenges. Air tour industry passenger profiles estimate that nearly 30% of passengers are over 50 years of age, and 13% are under 15 years old. National Park Service surveys indicate that 20% of visitors chose air tours because of health or physical disabilities. Additionally, tour operators estimate that 7-12% of visitors are legally disabled as defined by the Americans with Disabilities Act. Touring the Grand Canyon beyond the usual lookouts should not be limited only to those healthy enough to embark on a potentially lengthy and physically exhausting adventure. The air tour industry provides access to the canyon backcountry and many of its most spectacular sights . . . to all visitors. We should not consider elimination of overflights. The Grand Canyon belongs to all of us, and the experience of flying over the Grand Canyon with its spectacular views that cannot be duplicated, is worthy of preserving.

ENVIRONMENTALLY BENIGN TOURING:

Touring the Grand Canyon by air is perhaps the most environmentally sensitive way for visitors to experience the Park. Air tour visitors leave no waste or trash; don't overtax trails or cause erosion; don't trample the vegetation; don't disturb the wildlife; and don't drive their cars to the Park. Air tour visitors have no impact on the ecosystem and are as close to being "ecologically invisible" as possible. Commercial air tour operations over the Park should be

viewed as a preferred solution to the overcrowding and overuse that we are currently experiencing.

#### LAKE MEAD NATIONAL RECREATION AREA

In its' submission to the FAA docket on the ANPRM on National Park overflights, the Sierra Club Legal Defense Fund Inc. strongly advocates the banning of all overflights of National Park System Units. This position is supported by the submission from the National Parks and Conservation Association which provided a list of some 130 units of the National Park System which they believe have overflight problems. The Lake Mead National Recreation Area is included in this list. It is critically important for this Subcommittee and the Congress to understand the devastating effect an overflight ban of Lake Mead would have on southern Nevada. The overwhelming majority of all commercial flights into McCarran Airport use an approach which must overfly Lake Mead.

It is important to remember that Lake Mead is a "Recreation Area" and not a National Park. Just because it is a "unit" under the jurisdiction of the Park Service, does not mean that it is a "National Park". At Lake Mead there is substantial recreational activity ranging from power boat races to jet skis.

If the extreme position of these environmental groups were to be adopted, Las Vegas McCarran Airport would simply be put out of business. In addition, I am confident that there are many other communities in the United States whose airports are near one of the 130 "units" listed (such as Dulles International Airport because of Manassas National Battlefield) and would be severely curtailed in their operation if the Park Service were to be given control and jurisdiction over the approaches and takeoffs from airports near these units. Mr. Chairman, you simply cannot let this happen.

RECOMMENDATIONS:

Clearly there must be room for compromise between those who would ban all overflights and those who provide this service that your committee has heard from today. Perhaps a working group of industry, environmentalists, the FAA, and the NPS needs to be formed to define terms and set reasonable standards for aircraft overflights of the Grand Canyon. The use of quiet aircraft technology as advocated by Senators McCain and Akaka holds promise. Scenic Airlines currently uses for its tours, Twin Otter aircraft which are among the quietest in the industry. However, some of the smaller operators may find the quiet technology economically prohibitive and may need some federal assistance.

There is one more point I wish to make. Each National Park is a unique and distinct entity. We must be careful not to develop a set of standards and attempt to apply such to all Parks. The conditions, volume of flights, and physical size of the parks vary widely. Because of the vast variation and nature of the Parks in the entire system including ambient sound conditions within parks, general regulations may not be applicable. Effective and efficient airspace management will probably need to be developed on a park specific basis. At the Grand Canyon Airport in Arizona for example, there are helicopter tour operators who offer a very different air tour product than do Las Vegas based operators. Most complaints filed by environmental groups are addressed at the helicopter air tours in the Dragon Corridor. Las Vegas has only one helicopter tour operator who, because of fuel and distance, flies over only the western most reaches of the park, nowhere near Dragon Corridor. All others fly fixed wing aircraft at higher altitudes. Any solution to noise at the Grand Canyon must differentiate between the different types of tours offered and the specific noise impact of different aircraft types.

CONCLUSION:

In conclusion, I appreciate the opportunity to present my testimony to you today, I urge the Department of Interior and Transportation to carefully balance the evidence presented to them in their rulemaking before considering any further restrictions. Air tour operators provide vital jobs in a \$250 million-a-year industry in Nevada. Air tours over the Grand Canyon provide foreign visitors with a unique once-in-a-lifetime opportunity to view nature's handiwork. We should not discard the concerns of commercial air tour operators whose economic survival is at stake, nor the very favorable impact that the large number of foreign visitors has on our international balance of trade. We must also be cognizant of the rights of those who desire to view the Park by air--for many it may be their only option. Finally, we must preserve the integrity of the National Airspace System and uphold the right of the FAA to administer our airspace. While seemingly difficult, there can and must be a balance between the air tour industry, the National Park Service, the Federal Aviation Administration, and environmental groups.

## TESTIMONY TO THE SUBCOMMITTEE ON AVIATION

hearing on LEGISLATION and REGULATION AFFECTING SCENIC  
OVERFLIGHT ABOVE NATIONAL PARKS

by EDWARD CLARK

member: CITIZENS AGAINST NOISE, HAWAII  
AVIATION CONSULTANT to the TOUR AIRCRAFT CONTROL COALITION  
(TACC)

WEDNESDAY, 27 JULY, 1994

Mr. Chair, and Members of the Subcommittee:

Two assets every pilot hopes to have in the event of an in-flight emergency are AIRSPEED and ALTITUDE.

Aircraft, unlike automobiles, can't just pull off the road in the event of engine or mechanical failure. Sufficient airspeed will, however, allow an aircraft to transition to a controlled descent, and sufficient altitude will allow options for a controlled landing.

Pilots are trained to anticipate trouble, wherever they fly, because trouble will occur with any mechanical system. This means the prudent pilot will choose an altitude and maintain an airspeed which will assure survivable options for both him/or herself and any passengers.

Anything less would be foolish for the pilot, and unacceptably hazardous for passengers. Fare-paying tourists do not/should not expect to be exposed to avoidable hazards.

The Hawaii Helicopter Operator Association claim their accident statistics are better than the nation-wide average.

Thirty-nine deaths in the last five years of tour aircraft accidents testify to the history of unacceptably hazardous tour operations in that state.

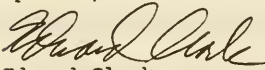
As a pilot I am appalled at that statistic, more so because those accidents were avoidable by a prudent pilot. As a citizen I expect responsible agencies to set standards of altitude and routing which respect the capabilities of the aircraft and the reasonable expectation of the public to survive the flight, and penalties for pilots who do not comply.

I expect enforcement of those standards, and of course, I expect compliance by the operators. Anything less is a negligent dereliction of duty.

There is one more consideration, and that is addressed in HR 1696 introduced by the Honorable Patsy T. Mink of Hawaii; and that is the right to the quiet enjoyment of our natural environment, and the protection of that environment in our National Parks from the noise, intrusion and harassment, whether intended or not, by the overflight of aircraft.

Humans, too, need refuge.

It is twenty-five years since humans could see the earth from the perspective of the moon's desolation. Earth, the blue planet, is an island in the sky. Home to all humankind, it is our only refuge. We must treasure it, care for it, respect it and all life upon it, for we are truly one.



Edward Clark



TESTIMONY SUBMITTED TO  
 U.S. HOUSE OF REPRESENTATIVES  
 SUBCOMMITTEE ON AVIATION

JULY 27, 1994

TESTIMONY: FAA HEARING ON HELICOPTER SAFETY & TOUR OPERATIONS  
 27 JANUARY 1994 at the COMMUNITY COLLEGE, HILO

TESTIMONY of EDWARD CLARK

There are two major concerns relevant to helicopter tours in Hawaii:  
 NOISE and SAFETY.

The overriding impact to citizens on the ground is noise, and its  
 effect upon their environment.

The FAA has been reluctant to address noise issues despite continued  
 efforts by the public to bring them before this agency. Thank you for  
 coming this evening to hear our concerns. Does this mean you are  
 prepared to undertake action to minimize noise impacts?

For my part, I wish to speak to your safety mandate: In order to assure  
 the safety of the flying public, as well as citizens on the ground the  
 Agency has developed detailed and extensive regulations of equipment,  
 aviation personnel, their testing and licensing, as well as oversight  
 and monitoring of operations within controlled airspace, and standards  
 for operations beyond controlled airspace.

Helicopters have been an exception to the rules. Why?

Is it because helicopters came late to the scene of passenger aviation?  
 As the workhorse of emergency rescue and evacuation has their "Good  
 Guy" image made them unassailable?

Or is it carry-over from early hype that this was a "go-anywhere,  
 do-anything" vehicle which even your mother could learn to drive?

I grew-up with helicopters. The early pioneers of rotor-wing craft were  
 heroes to me. I watched the industry mature from awkward and unreliable  
 "whirly-birds" to large military transports and sleek corporate jets.

I participated with helicopters in shipboard operations while I was a  
 Navy fixed-wing pilot. Later I trained on some of the same birds, and  
 qualified for the full range of ANTI-SUBMARINE WARFARE and SEARCH AND  
 RESCUE, ALL-WEATHER operations as a rotor-wing pilot.

I eventually worked as an airline Flight Engineer, Co-pilot and  
 Captain. My point is: I do know something about aviation. It is more  
 than an academic subject to me. I lived it. More importantly, I lived  
 through it with no accidents.

I know helicopters. I have great respect for their abilities. I  
 understand their limitations. I have experienced their liabilities.

So don't waste my time or yours defending the "I can fly  
 anywhere-anytime" attitude of some in our aviation community.

The Navy taught me, and I am alive today because I learned: "There are  
 old pilots, and there are bold pilots, but there are no old bold  
 pilots".

But on this island, and among the HHOA members before you, are those who say that lower-and-slower operations are "safe"; that hovering at 20 feet above a lava "skylight" is "safe"; that if experiencing engine failure he (the pilot) would prefer to be below 200 ft.; that operations over water without flotation for the aircraft or life vests for the passengers is "safe"; that operations with only 1/4 mile visibility (but in the "soup") is prudent; that 300 ft. AGL is sufficient, and necessary for tour operations.

I know, and you know, and every pilot here was trained to know that operations such as these are hazardous. They may be legal, but they are unsafe. Arguments to the contrary are allies: we've heard them all.

The sad fact is, and the accident statistics bear it out, there is flagrant disregard by some pilots for FAA regulations, HHOA "Fly Neighborly" policy, the manufacturers recommended flight envelope, good judgement, and concern for the safety of the aircraft, the lives passengers or people on the ground.

These pilots have been called "cowboys". They do act like this is the wild-west. They rope-in customers with dramatic photos, and then apparently feel obliged to provide the thrills they advertise.

Those who fly as thus advertised are blatantly illegal. Their daring flights cause accidents. The accidents take lives, they cripple and maim. How long is the public to tolerate this abuse of the privilege of navigating the skies above us?

We need regulations for helicopters which recognize their unique capabilities but protect individuals and environment from impacts of unsafe operations during all but emergency operations.

We need Agency willingness to create and enforce applicable regulations and to act on the public's behalf in seeking mitigation of unnecessary impacts or unsafe operations.

There are no "rights" in the air, only privileges and responsibilities. The "peoples rights" are guaranteed on the ground, and among others they include the rights to "life, liberty and the pursuit of happiness". These rights must not be abridged by pilots, no matter how high (or low) they fly! There is, after all, a higher law!

EDWARD CLARK  
POB 1458, KEAAU, HI. 96749  
(808) 966-7966

TO: U.S. REPRESENTATIVE PATSY MINK  
 in open hearings April 10, 1992  
 at the University of Hawaii at Hilo

TESTIMONY SUBMITTED TO  
 U.S. HOUSE OF REPRESENTATIVES  
 SUBCOMMITTEE ON AVIATION  
 BY  
 EDWARD CLARK  
 JULY 27, 1994

RE: TOUR HELICOPTERS: safety, noise, privacy and the impact upon the natural environment.

Thank you for this opportunity to discuss these important matters in a public forum. Your continued support is greatly appreciated. We wonder if you might also be able to enlist the support of the entire Hawaii delegation in introducing legislation which will compel the FAA to act on behalf of the public, or to relinquish authority to local jurisdictions for establishment of SPECIAL (FEDERAL) AIR REGULATIONS?

You have probably already heard from flight tour operators about supposed rights to operate, and their request for freedom from regulation.

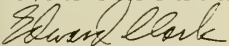
I wish to state a contrary thesis. I believe no person's economic interest is superior to my rights and freedoms as an individual and as a citizen. I believe that their government issued license does not relieve them from overall responsibility to the public (me); nor does it guarantee a return-on-investment, or relief from the consequences, poor judgement, mismanagement or incompetence, and cannot guarantee freedom from such regulation as may become necessary or prudent.

But what of my freedoms, my rights?

Am I free if I am subject to invasion of my privacy? Am I free from exploitation if others, without my consent, pay to view me at moments of intimacy or crisis? Am I free if I am subject to harassment for objecting to exploitation? Am I free to experience the quiet enjoyment of private or public property if others intrude by noise, commotion or overbearing physical presence? Am I free if my federal government will neither act on my behalf nor permit me or my elected representative to do so?

I must act, to establish and to preserve my freedom, my dignity, my humanity, my property and my environment. My testimony today is an action of moral necessity. I must say to you today that I will not tolerate, I will not condone, I will not permit the usurpation of my rights by any individual or agency whose purpose and authority is not derived from the consent of the governed or which does not act for the benefit of the public.

No person's economic interest is superior to my rights as a citizen.



Edward Clark, Box 1458, Keaau, Hi. 96749

tel. (808) 966-7966

TESTIMONY SUBMITTED TO  
THE SUBCOMMITTEE ON AVIATION  
U.S. HOUSE OF REPRESENTATIVES  
BY EDWARD CLARK  
JULY 27, 1994

### Helicopter safety

Once touted as the vehicle to replace the family car, the dream of a helicopter in every garage failed the reality-check. The reason is simple: Helicopters are not simple, cheap, or easy to fly. Helicopters achieve their primary asset, the ability to take-off and land vertically, at the cost of a complexity of moving parts, all critical to the operational safety of the aircraft. A strong maintenance program is key to that operational safety, with replacement/manufacturing more often the rule than field repair. Preventive maintenance is required, with regular inspections, not just by the pilot, but by qualified FAA rated mechanics and technicians. No "family clunker" this!

As a former U.S. Navy fixed-wing and rotary-wing pilot and as a former commercial and airline pilot with years of experience in the air I have some appreciation for the difficulty managing a helicopter tour operation. Good pilots and good maintenance are expensive, the business is competitive, and the public insists on utilizing the capabilities of the aircraft beyond the limits of safety: "Can't we get closer?", "Hold it there... I need another shot."

Early (and false) hype that helicopters are safe anywhere, anytime feeds the public's expectations. So do ads in dramatic color showing helicopters above rivers of lava, beside fountains of flaming cinder, dipping within the cone of the vent, cruising into the box-canyon, up to the plunging waterfall, beneath the cliffs and along the rugged coast to the steaming waters off the new Kalapana Coast. Thrilling visions, exciting, deceptively easy, deadly dangerous. It is silly for any pilot to risk his own life with such stunts, it is unconscionable to risk the lives of others. Every pilot knows it's not usually what happens in the air that kills, but the uncontrolled

B—Hawaii Tribune - Herald, Thursday, February 4, 1993

contact with the ground below. Where are these FAA, your congressman, the governor, your pilots going to land if something goes wrong? In a lava flow, in the crater, against the cliffs, in the surf? Mountain/rough-terrain flying is in any case hazardous: air currents are unpredictable and subject to sudden, violent change. Operating near-ground compounds the problem. FAA flight-checkers rate not only the pilot's ability to handle the aircraft in normal operations but in simulated emergencies. Head-work includes operating in such a way as to maximize alternatives in the event of an emergency. Operating at a speed and at an altitude that one always has available an acceptably safe place to land is evidence of a skilled, safe and smart pilot.

The many crashes on this island, and the circumstances surrounding them gives evidence that we have many bold pilots, and maybe some not-so-smart. In the military there is a saying: "There are bold pilots and there are old pilots, but there are no old hold pilots." This is not especially reassuring to the flying public or to the residents on the ground. Our communities have met with the Hawaii Helicopter Operators Association and the FAA trying to achieve binding agreements that assure avenues of residents' rights to quiet neighborhoods, privacy and safety from over-flight. Those agreements have proved unenforceable by either HHOA or the public. It is necessary then to request the FAA to drawup reasonable restrictions to protect both the flying public and their neighbors on the ground from unsafe practices and from unnecessary environmental impact in our neighborhoods and in our parks and wildlife refuges.

Our tourists deserve better. So do we. Write the

Edward Clark  
Lt. U.S.N. (Inactive), Aviator 6136151325  
Airline Transport Pilot, cert.no. 1388521  
Flight Engineer, cert.no. 1595716  
Keauhou

TESTIMONY SUBMITTED TO  
THE SUBCOMMITTEE ON AVIATION  
U.S. HOUSE OF REPRESENTATIVES

BY EDWARD CLARK  
 JULY 27, 1994

The terminology for the operational flight characteristics of aircraft is: FLIGHT ENVELOPE. This is usually illustrated as an X-Y graph: X = height above ground level (AGL), and read as positive, in feet, rising vertically from the Y axis. Y=airspeed in Knots, read positive to the right.

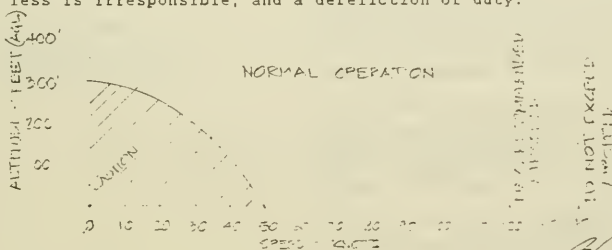
The line furthest from the apex will be a curve representing the DO NOT EXCEED SPEED.

The next line will represent the max. combination of height and velocity for which the aircraft has been rated. (By the FAA, if civilian aircraft.)

The next line will represent the minimum comb. of Ht. & Vel. for which the aircraft is rated. This is the most critical because it represents the bounds of safe transition in TAKE-OFF & LANDING. It is within this critical envelope that most aircraft run into trouble. It is also the regime of preferred operation of the TOUR HELICOPTER INDUSTRY in HAWAII because it exploits the unique abilities of helicopters to fly slow, fly low, or hover.

The ability of the machine, however, is not matched by the capabilities of most pilots, the maintenance of their aircraft, or considerations of safety for the fare, the general public, or the pilot himself. Commonsense dictates that no aircraft be operated in such a manner as to constitute a threat to itself or to people or property on the ground. Obviously we have a problem in Hawaii with pilots and TOUR HELICOPTER OPERATORS, exercising commonsense for their own benefit, let alone the benefit of the public.

Strict regulation combined with strict enforcement will help. The FAA has in effect offered helicopter operators carte blanche to operate beyond the limits imposed on fixed-wing aircraft. Helicopters should be no exception, and should be subject to the same rules and regulations as other aircraft. Anything less is irresponsible, and a dereliction of duty.



*Edward Clark*

TESTIMONY SUBMITTED TO THE SUBCOMMITTEE ON AVIATION  
U.S. HOUSE OF REPRESENTATIVES  
JULY 27, 1994

BY

EDWARD CLARK

**Flight safety** 2/16/93 T-H

I have had tongue-in-cheek for sometime now with my thoughts concerning the island general aviation industry and its lack of safety. Enough is enough!

Why is it that our airlines can operate thousands of accident-free hours rendering safe and efficient service? I can answer that.

- Safety Programs.
- Pilot training with required proficiency checks.
- Aircraft maintenance above standards.
- Aircrews that take responsibility for crew and passengers.

The old saying "there are bold pilots and old pilots, but no old bold pilots" is still in effect. There is no room for thrill seekers in commercial aviation. This brings to home the ongoing accident record flying in the vicinity of volcanic activity.

Most aviation accidents are caused by lack of knowledge and unacceptable operational procedure. Certified aircraft are airworthy as long as preventive maintenance is performed and the air crews use safe prescribed procedures. "Kick the tire and light the fire" will eventually kill you and your passengers.

Most of us old-not-necessarily bold pilots remember those old Pratt and Whitney R985's. Those engines will keep turning forever with gas and oil, but they are not programmed for decisions. They will fly you right into a rockpile without hesitation.

Time for change is long past due. Rules have always been less than adequate concerning where and how helicopters can operate.

I concur with Ed Clark's comments of Feb. 4.

We need to express our concerns to the federal aviation agency, congresspersons and others for immediate attention and change.

Concerns for all lives both in the air and on the ground must be considered.

Jay Sparks

Retired Aviation Safety Officer

### Super Criminals

It's becoming clearer and clearer why our police have such a difficult time going after crim-



Regional Airline Association

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COMMENTS OF THE  
REGIONAL AIRLINE ASSOCIATION  
ON  
LEGISLATION AND REGULATIONS AFFECTING  
SCENIC OVERFLIGHTS OF NATIONAL PARKS

JULY 27, 1994  
HEARING BEFORE THE  
HOUSE PUBLIC WORKS AND TRANSPORTATION  
COMMITTEE  
SUBCOMMITTEE ON AVIATION

Contact:

Walter S. Coleman  
President  
Regional Airline Association  
202 857 1170

COMMENTS OF  
THE REGIONAL AIRLINE ASSOCIATION  
ON

LEGISLATION AND REGULATION AFFECTING  
SCENIC OVERFLIGHTS OF NATIONAL PARKS

JULY 27, 1994  
HEARING BEFORE THE  
HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE  
SUBCOMMITTEE ON AVIATION

Good afternoon, Mr. Chairman and members of the Aviation Subcommittee, I am pleased to have this opportunity to speak in support of scenic overflights of units of the U.S. National Park System.

RAA has two specific concerns that we wish to address today. The first is the important role that scenic air tours play in providing an opportunity for travelers to appreciate our national parks. The second is the need to insure that access to airspace over and adjacent to national parks is maintained.

#### BENEFITS OF SCENIC AIR TOURS

There are several benefits that scenic air tours of national parks provided that makes them unique and desirable.

Scenic air tours of national parks provide a viewing experience for passengers that adds a dimension and appreciation of their visit to the national park that a park visitor on the ground cannot realize. It provides this viewing experience without leaving any residue that has to be cleaned or maintained by park or contract personnel.

Scenic air tours do not require any of the infrastructure necessary to support ground based visitors. Infrastructure such as road networks, cabins, restaurants, restrooms, viewing locations and communications and power sources change the natural environment of the national park permanently. Scenic air tours do not.

In some national parks, scenic air tours may provide the only viewing experience for persons who are mobility impaired or have other health limitations.



The recently issued ANPRM, Overflights of Units of the National Park System, contained the following statement in the background section: "Some people simply find commercial sightseeing tours over parks inappropriate and incompatible with protection of certain park values and resources. On the other hand, a commercial air tour may provide an opportunity for people to see some park resources in ways not otherwise attainable." The difference in the numbers of people in each of those categories are compelling in support of the continuation of scenic air tours access to national parks. For example, information obtained by scenic air tour organizations from National Park Service data reveals that at Grand Canyon National Park, only 8 in 1,000,000 visitors complained about aircraft noise in the park. It may be correct to classify the 8 in a million as "some people" but this is not a significant number compared to the 750,000 visitors who took Grand Canyon air tours in 1992. The characterization by the ANPRM that scenic air tours are significantly diminishing the enjoyment of visitors to the Grand Canyon and suggesting it is a pervasive problem wherever air tours are conducted is wildly inaccurate and is not supported by the data.

#### POTENTIAL LIMITS ON AIRSPACE ACCESS

While the subject of this hearing includes the term "scenic overflights", the ANPRM cited earlier refers to overflights and states in the summary section that "this notice presents options that may be considered as means to minimize the adverse effects of commercial air tour operations and other overflights of units of the national park system." We are concerned that the Departments of Interior and Transportation may not realize the economic harm that could result if a subsequent regulatory action affected scheduled point to point operations of regional air carriers who may operate a portion of a route within the national park system. We would hope that legislative action limiting point to point flights would also not be considered.

The regional airlines provide scheduled service to 781 airports in the United States, Puerto Rico and the U.S. Virgin Islands. Coincidental with their routing, as a means to minimize enroute times, some of these flights may operate over or adjacent to a portion of a U.S. national park. It is an objective in air travel to fly as directly as possible from one point to another. In the absence of substantial data that supported a position that the quality of a park visit was significantly diminished by overflights, it would be unfair and unjustified to require some enroute flight sector to make circumnavigations of units of the national park system.

If there are subsequent legislative or regulatory initiatives, we would strong object to the imposition of any restrictions on point to point scheduled operations.



NATIONAL AIR  
TRANSPORTATION  
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**Testimony of James K. Coyne**  
**President, National Air Transportation Association**  
Presented on July 27, 1994  
before the U. S. Congress  
**House Public Works and Transportation Committee**  
**Aviation Subcommittee**

Mr. Chairman, it is a very great honor to be before you as the House Aviation Subcommittee deliberates the question of "Legislation and Regulations Affecting Scenic Overflights of National Parks." I cherish many special memories of working with you and other subcommittee members during my years in Congress, and I understand the commitment that each of you have to our nation's public resources -- including our National Parks and the national transportation infrastructure that is crucial to their enjoyment by our fellow citizens.

My name is James Coyne. I am President of the National Air Transportation Association (NATA). NATA represents the interests of the aviation businesses of America, large and small, that operate and service aircraft for both public and private use. Our membership includes "on-demand" air carriers that conduct air tour (sightseeing) operations at the Grand Canyon National Park (GCNP) and elsewhere.

Although my interest in aviation is obvious, like you I am proud to say that my love for and respect of our National Parks is second to none. As a member of Congress I was Co-Chair of the Environmental Study Conference. As a member of the White House staff, I worked to build public support for National Park Service programs. Most importantly, as a citizen, I have had a lifelong love affair with America's National Parks, Forests, Monuments, Seashores, Memorials, Lakeshores, Preserves, and Battlefields.

For years, my family lived almost in the shadow of Independence Hall in Philadelphia and I served as Director of the Friends of Independence National Historical Park. As urban residents, however, we "needed our space" and every free weekend usually found us enjoying the wonders of our National Park System. Our three children were hiking along the Appalachian Trail almost from the time they could walk. We were frequent guests in the Appalachian Mountain Club's wilderness huts, visitors to National Battlefields from New England to Virginia, and migratory "regulars" at Coastal Parks and National Seashores from Maine to North Carolina.

One of the primary reasons my wife and I learned to fly, in fact, was so we could extend our reach to National Parks across the country. In just the past few years, we have visited nearly fifty NPS facilities -- from Acadia to Yosemite, and from Denali to the Virgin Islands. We've hiked and horsebacked, swam and skied, rafted and rockclimbed, spelunked and snorkeled, camped and canoed, backpacked and bivouacked; and through it all, I've tried to instill in my family the utmost reverence for the "environmental values" that we all must preserve together. We've learned that the only things we should leave behind are our footprints. We've also learned that one of the most wonderful ways to see the USA is from the air.

Our family vacation in 1991 is illustrative. Over three weeks, we flew (in our 28-year old airplane) to South Dakota, Montana, Wyoming, California, Arizona and Colorado to see Mt. Rushmore, the Wind Caves, Devil's Tower, Yellowstone, the Tetons, the Golden Gate, Muir Woods, Yosemite, Mt. Whitney, Death Valley, the Grand Canyon, Mesa Verde, and the Great Sand Dunes (not to mention Alcatraz).

Our goal was to expose our children to the beauty and wonder of our country, but like most American's, our schedules are limited and the "best experience" for us is one that appreciates the limited time we have available. I'd love to take off six months and hike the length of the Appalachian Trail -- but that will have to wait. In the meantime, I don't want my family to miss the diversity and wonder of our country's natural resources.

There's no doubt that the Grand Canyon was the highlight of our vacation that year. But, just as someone once said that "the only way" to cross the Atlantic is on a steamship, it's clear to me (and to millions of others) that you'll never fully appreciate the Grand Canyon until you see it from the air. We flew in from the western end, with the sun behind us, and were treated to the most wonderful view that America has to offer. Nothing, absolutely nothing, compares with that endless spectacle (over a hundred miles) looking East over the serpentine course of the Colorado River. If there is any reason that God gave to man the genius to invent the airplane, it must have been because He wanted man to have this view.

I suppose that the question before you today, in the simplest sense, is whether you think it's right to take that privilege away from Americans.

I admit that there are some who want to prohibit all Americans from seeing our country's most wonderful sights from the air. I feel sorry for them. Not because they're selfish, self-centered, or elitist, though they may be all of those things. Not because they may litter, pollute, and vandalize, though surely a few of them do. I feel sorry for them because they seem to have lost their sense of wonder and adventure. For them, there is only one way to see America. They are landlocked Luddites who assert that only their way is "ecologically pure."

Most Americans have a different vision of our National Park System. They understand that visiting our parks by air is the least damaging way to see them. We leave nothing, not even footprints, behind. Isn't this, after all, the most important factor for us to consider? If we are to protect the Grand Canyon for all Americans to enjoy, we must choose and promote a transportation infrastructure that will permit millions of visitors to see the Park without damaging it? And believe me, millions and millions of visitors are on their way.

You see, the example I gave you this morning of our family's ongoing love affair with our National Parks is not some unique aberration of a National Park junkie. It is the expectation of more and more Americans that the Park system is there for us to visit!

Allow me to offer a small, very unscientific survey to illustrate my point (although I suspect that my "science" is considerably better than the so-called research presented by overflights opponents). Look around this room. Would everyone who has personally visited the Grand Canyon please raise their hand.

As I suspected -- a very substantial proportion.

Now consider these facts. Just two generations ago, less than one tenth of one per cent of all Americans had visited the Grand Canyon. A generation ago, only about one percent of us had seen the glorious Park. Today, about ten per cent of our citizens have seen it in person. But ask today's typical parent if he or she wants to see the Grand Canyon (probably with their children) within their lifetime and you'll find that it is a goal, in fact -- a high priority, of more than 80% of your constituents. Even if air fares to Las Vegas weren't at all-time lows, even if million of minivans weren't streaming across our Interstate Highway System, even if the "greening of America" hadn't made our National Parks the number one tourist destination for most vacationers, the sheer force of demography would tell the story of our parks in the decades ahead. Like the people who raised their hands in this room, we are a nation of park-goers -- and we're on the move.

There are more than 30 million "baby-boomers" who haven't seen the Grand Canyon yet! They're on the way, with even bigger, more mobile generations waiting in the wings (not to mention the legions of foreign tourists flying to America). Is it the intent of our opponents that each of them (at least those who meet the weight limitation of 200 pounds) take the mule ride down to the canyon floor? Or will the trails be clogged with millions of hikers, fracturing rocks, eroding hillsides, picking flowers and treading on fragile desert flora? Or are the "hoi polloi" doomed to face a rationing of "the Park Experience", as most government monopolists seem to prefer? Those who make reservations years in advance, those who can pull strings to book a trip on some VIP-only tour, or those with the proper environmental (or political) credentials may be able to win the Park rationing game, but most Americans will have to settle for no "experience" at all.

Americans don't want their government to ration our Parks. They want it to do what you and your committee have successfully done for decades: plan for the future in a way that guarantees access to the parks for everyone who wants to come -- as long as the parks' environment is protected for future generations. This is what air tourism is all about: giving Americans the access to the parks they want, in a safe and environmentally responsible way. As you think about the needs of America -- its citizens, its parks, and its transportation infrastructure -- in the twenty-first century, we hope you'll see that air tourism is part of the solution.

On your next visit to the Grand Canyon, allow me to show you what we hope to show a million other Americans this year: the wonder of seeing our nation's greatest park from the air. This is a park "experience" that you'll remember for a lifetime -- and when it's over, you'll know that you left the park the same way you found it: ready to give some other visitor the thrill of a lifetime, tomorrow.



## Hawaii Helicopter Operators A s s o c i a t i o n

120 Kapalulu Place • Suite 214  
Honolulu, HI 96819  
(808) 836-8025

July 20, 1994

The Honorable James L. Oberstar  
Chairman  
House Public Works and Transportation Committee  
Aviation Subcommittee  
2165 Rayburn House Office Building  
Washington, DC 20515

Dear Mr. Chairman;

Founded in 1986, the Hawaii Helicopter Operators Association (H.H.O.A.) represents 23 of the 26 helicopter tour companies in the state of Hawaii who own or operate 93% of the helicopters devoted primarily to tours. Our members are deeply interested and sincere about resolving concerns pertaining to helicopter tours in Hawaii. We welcome this opportunity to address your committee and hope through this process we can all begin to perceive reasonable and objective solutions which will benefit the parks, the community, and the air tour industry.

"THE NATIONAL PARKS SYSTEM IS UNDER SIEGE," and "SAVE (our) PARKS AND FORESTS FROM 'INDUSTRIAL TOURISM'." These headlines appeared in recent Los Angeles Times articles (see Exhibit "A"), and many like them have appeared in newspapers throughout the country. Considering the subject of today's hearing, one might reasonably assume the facts of such stories pertain to air tours.

Fortunately, for our industry, they don't. Unfortunately, reason and facts have been conspicuously absent from the air tour debate to this point. We sincerely hope this committee will pause, step back, and conduct a fair review of the facts, rather than get swept up in the emotional, subjective, and often inflammatory rhetoric which frequently surrounds this subject. This may be difficult and contrary to your initial gut reaction, but our industry, its hundreds of thousands of annual patrons, and quite literally the parks themselves depend on your ability to so.

"If we can't touch the hearts and minds and souls of people through their encounter with the national parks, how are we going to save the planet?" I wish I'd thought of asking that; but the

question was actually posed by Interior Secretary Babbitt on a recent trip to the Great Smoky Mountain National Park. He was referring to the many challenges facing the park system as reported in the articles I mentioned earlier.

In numerous articles and other media stories, the National Park Service (NPS) and Secretary Babbitt have outlined their foremost concerns. Among them are eroded terrain, polluted soil and water supplies, road and trail deterioration, overcrowding, traffic jams, trash, maintenance shortfalls, drug commerce, gun violence, vandalism, and more (see Exhibit "A"). Ironically, in stories where an inventory of current park afflictions is described, air tours are rarely if ever referenced.

Air tours not only don't contribute to these problems, but they could help reduce or eliminate each and every one of them, while simultaneously fulfilling the NPS' mission, as stated in the NPS Organic Act of 1916, which is: "To conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations."

We wholeheartedly agree with the sentiment expressed in the Secretary's question, and we wish to help eliminate the existing problems and to assist in saving the parks. Logically, for the planet's sake, the more hearts, minds, and souls touched the better. But, how do you allow more people to experience the parks and thus strive to "save the planet", when it is primarily increased visitation which causes the very troubles you're trying to eliminate? To our astonishment, and that of many environmentally sensitive people, air tours are never identified by the NPS as part of the solution.

Either we've done an extremely poor job of explaining ourselves, or the industry and the NPS have a major personality conflict going, or the two simply don't agree on or understand each other's methods or definitions. Most likely, it's all of the above. Since a major value of a hearing like this would appear to be improved communication and mutual education, we'd like to explain some elements of our perspective.

We recognize and appreciate the value of our national parks. We share the goal of improving and preserving them, both to afford people the pleasure of enjoying the parks as well as on general environmental principles. Obviously, if scenic wonders such as those found in many national parks didn't exist, neither would air tours, as they are driven entirely by consumer demand. Though we share many goals with the NPS, we haven't always found common ground by which to achieve them.

One very apparent difference between ourselves and the NPS is in

our definitions of "preserve" and "enjoy". With mutually acceptable definitions for these, mutually beneficial pursuits could develop. Pertaining to preserving the parks, we strongly feel air tours are a substantial part of the solution. Even though they are hundreds, and often thousands of times greater in number than ground visitors, air tour passengers don't erode terrain, pollute soil and water supplies, trample vegetation, introduce foreign and aggressive plants, or deteriorate trails and roads. No one has disagreed with these points.

Properly flown air tours cause little or no harm to animal and plant life. The study conducted by the U.S. Forest Service pursuant to Section 5, Public Law 100-91 states: "In fact, the study led to the conclusion that overflights generally pose negligible risks of consequential biological effects on wildlife." The same cannot be said of ground visitors, especially those traveling in or on vehicles or by animal. This is borne out in numerous studies of ground visitor impact. Thus, "preserve" to us means to prevent physical damage to the parks and to the wildlife therein.

We perceive that in recent years the NPS has defined "preserve" in ways more protective of the ground visitors than the parks. In parks, the most vigorous complainers are often "back country" hikers who want a totally undisturbed wilderness experience. Back country visitors are outnumbered by air tour passengers by 50-1000 to 1, depending on the park or region of a park. That's not to say they shouldn't be able to have a pleasant experience, but we feel a small number of overflights shouldn't be considered sufficient impact to prevent the hundreds of thousands of air tour passengers from enjoying the experience they've chosen, nor sufficient impact to offset the acknowledged park preservation qualities of air tours.

We feel those who are sincerely concerned about the health and welfare of the parks, versus purely selfish motivations, would gladly accept a degree of noise intrusion as an offset to the damage which would occur if, by and large, air tour passengers ventured into parks on the ground. A well orchestrated overflight system would serve to minimize such intrusion, but there would have to be some "give and take".

Regarding "enjoyment" of the parks, the visual experience is at least as profound and meaningful as the audible (most people don't visit parks only to "hear" them). We've attached a few sample remarks made by air tour passengers in recent weeks (see Exhibit "B"). We beseech you to read the individual letters and comments to gain an appreciation for passenger impressions. Often, air tour passengers don't have the physical ability or the time to hike for hours or days into park interiors. That's why they choose air tours. As the population ages, there will be even greater demand for air tours, so it is in the best interest

of all parties to address these concerns now.

As Secretary Babbitt said, we should "touch the hearts and minds and souls of people through their encounter with the national parks," the more the better, while preserving the parks. How can we best achieve this scenario; protecting a pure, totally undisturbed experience for a limited number of hikers, or providing an equally rewarding and more park-protective encounter for future generations in "ast numbers? No one can argue that the parks would fare much better and last much longer should all types of visitation be banned except by air. Though we would never suggest eliminating all ground visitation, it should be noted that many of our opponents have advocated a total ban of air tours. The potential for radical positions on either side of the debate emphasizes the need for an unbiased, process-oriented overflight management system.

It has been said that increased flight operations at the Grand Canyon and other national parks have significantly diminished the national park experience for park visitors. If this simply means that some visitors don't like tour overflights, we concur. If it is intended to indicate that a high percentage of visitors are dissatisfied with their park experience, we cannot agree, based on available objective data. Studies conducted by and on behalf of the NPS do not show this to be the case in either Grand Canyon or Hawaii. Conclusions drawn from some of the studies by the NPS are highly inaccurate and/or inappropriate (see Exhibit "C"). Additionally, since implementation of SFAR 50-2, complaints about aircraft noise by Grand Canyon park visitors have decreased 87%. Complaints have also decreased in Hawaii's national parks.

Though we believe the NPS visitor surveys conducted in both the Grand Canyon and Hawaii were biased against air tours, even they show only a fraction of park visitors complain about air tours. In one study, the number of overflights heard and seen per day did not exceed the acceptable standard in any of the locales examined by the NPS in the Grand Canyon or Hawaii. In the Grand Canyon only 56 complaints were received by the park in 1993, out of almost 5 million visitors (for all three points, see Exhibit "D").

The primary impact of air tours is a temporary sound footprint. Whether over residences or scenic lands, "annoyance" has for years presented a complex and often paradoxical challenge for the industry. It is a highly subjective issue and without a "nuisance meter", each individual decides for themselves what annoys them. It can be different things at different times, under different circumstances. Even our most fervent opponents acknowledge that the sweetest sound they've ever heard, when lost or injured in the wilderness, is the sound of a helicopter coming to the rescue. Unfortunately, with individual nuisance thresholds as the gauge, the air tour industry is subjected to



each annoyed person's own yardstick and thus an ever changing playing field. Such a circumstance creates enormous frustration for the industry and fosters poor communication with the NPS.

If reason and fairness are to rule, objective information must be utilized. Ground visitors to park and wilderness areas were part of a comprehensive survey sponsored by the National Park Service and the U.S. Forest Service. Its purpose was to "survey the intermediate term effects of aircraft overflights on visitors to 12 Forest Service wildernesses" which were, "purposely selected for study", the primary criteria being "levels of visitor use and aircraft overflight exposure" including "helicopters as well as fixed wing aircraft". According to the National Technical Information Service (NTIS) summary of the survey (NTIS order number PB94-151632LEU, Jan '94), "The prevalence of high annoyance was less than 5% in all wildernesses combined." Further, it was found that "visitors' overall enjoyment of wildernesses and their intentions to return were not affected by aircraft overflights."

We seek a system which allows sensible access to parks by all types of users. No one group should be allowed to unreasonably exclude another. There is no doubt that repetitive overflights are annoying to some park visitors. This is the primary issue to address, rather than noise or the environment. If flight paths were as immovable as highways, our situation would be much simpler to deal with, but because it is perceived that air routes can easily be moved (though they often can't), those who are most annoyed often press for relocation. Unfortunately, in many cases there is no place to move where there would be no impact on anyone. It should also be noted that non-tour flights (DEA, military, NPS, police, fire, private, medevac, state, county, etc.) are often mistaken for tour flights (see Exhibit "E").

We accept responsibility to reduce the impacts of helicopter tour overflights, as much as possible within reason and safety limits. However, until all types of nuisance are similarly addressed, we feel it is unfair to single our industry out for extinction, as some would have it. We feel that measures can and should be taken to preserve a quality park experience for visitors. We are in favor of an objective, impartial, process-oriented system which could be used at individual parks to formulate guidelines to achieve this goal. We are opposed to a program which unfairly favors one group over another or imposes unnecessary or unreasonable restrictions on the air tour industry.

We have attached an outline of a simple, effective, objective process which we feel would be suitable to resolve the overflights issue (see Exhibit "F"). The process would allow for customization of the final overflight system at a given park, taking its own unique characteristics into account. One key ingredient which we feel should be included in any such process

is a neutral mechanism to settle differences of opinion which the affected parties cannot resolve amongst themselves. It would be highly unjust and suspect if stalemates were turned over to any of the individual parties to decide. In fact, the system would break down before it began. In our proposal we refer to this neutral feature as "Binding Negotiation".

We are opposed to generalized regulations such as H.R. 1696 which would apply to parks statewide or nationwide. Guidelines should be determined on a park by park basis. If "noise budgets" are involved, then "environmental preservation" credits should be given for that which air tours contribute to the NPS' overall goals and mandates. For safety reasons, ultimate control of the airspace should remain the sole jurisdiction of the Federal Aviation Administration.

For years H.H.O.A. has worked with the NPS in an effort to address concerns within our national parks. In February of this year we arrived at a new agreement with Haleakala National Park. In a recent articles, park superintendent Don Reeser has been quoted as saying, "Overall I am very pleased with the results of the three-month trial," and "That doesn't mean everyone is satisfied with the situation, but I believe if the park and the helicopter tour industry work together, we can achieve a condition that minimally impacts hikers yet still allows pilots to give their clients a view of the incomparable crater of Haleakala." He also said there had been a difference, just based on the sharp reduction in the number of complaints he receives.

Additionally, we had all but signed a formal agreement with Hawaii Volcanos National Park (HVNP) last October, when it was delayed by the NPS at the national level. Earlier this month, the HVNP resource manager, Dan Taylor, called to express an interest in going forward with the agreement. We met to discuss some minor revisions and are in the process of discussing them with our respective groups, with the idea of going forward with the agreement very shortly. These actions are evidence that a process-oriented system can function, allowing fair and reasonable access to the parks by assorted user groups.

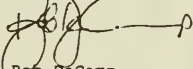
In closing, we would like to point out that the County Council of the island of Hawaii voted seven to two against supporting H.R. 1696. Members of the Council described the proposed legislation in their committee discussions as "the wrong approach," "a sledgehammer on the air tour industry," and "over-regulation," among other things. We agree. It contains provisions, which if enacted, would reduce safety, preclude overflights of certain parks by any type of aircraft at any altitude (including air carriers), and in one case, would make it necessary to shut down a state-owned, Federally funded, major airport. It would virtually eliminate the ability of tens of thousands of visitors to enjoy the magnificence of our national parks. It does not

employ the basic principles of fairness and cooperation which we have utilized in our direct efforts with the parks.

We implore this committee not to support this bill nor to apply such ill-conceived, inequitable concepts, should it decide to put forth proposed legislation.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Bob DeCamp', with a horizontal line extending to the right from the end of the signature.

Bob DeCamp  
President

cc: H.H.O.A. Members

Enclosures (6)

HHAVSUB.1

# The national parks system is, under siege

Advertiser 5/11/64  
An era of bigger crowds, fewer dollars

By Melissa Healy  
Los Angeles Times

GREAT SMOKY MOUNTAINS NATIONAL PARK, Tenn. — Spring is in bloom here as Ranger Jerry Grubb, in his olive-drab uniform and green-and-gray uniform and Smokey Bear hat, is about to begin his shift by galloping up the back of the usual white-laticed medical kit, a car-lack Jimmy and a chain saw. "... But wait, what's that? A powered rifle and a severely injured semi-automatic pistol — an upgrade from the .307-caliber revolver that has been the law for 10 years. It's a little bit under-gunned.

For Grubb and many of his colleagues, the image of the national parks is about as realistic as Yogi Berra. So is the image of the national parks as pristine havens from a world of urban grime, crime and congestion.

There is trouble in the national parks. And increasingly, the trouble is that the parks are full of Americans, and the problems they bring with them: drug commerce, gun violence, vandalism, trash, and pollution, among others.

While most visitors are law-abiding and problems are most pronounced at parks closest to

been shrunk by budget cuts and defections, so a smaller work force must handle a The ratio of visitors to full-time rangers has gone from 60,000-1 in 1960 to 80,000-1 in 1962, according to the National Park and Conservation Association.

Americans are expected to spend \$2.3 billion on national parks this summer to the 367 parks, monuments, seashores and historic sites of the National Park Service. The budget for the parks these are a bargain at no more than \$10 — and more frequently, \$5, per carload.

In the last decade, the number of visitors to the parks has risen 19 percent — and some of the most popular sites, like Yosemite, have seen an explosion closer to 70 percent. That is partly because of Americans' mobility and partly because of the parks' reputation for being easy reach.

Traffic jams abound, helping foul the air. Crime is up. Maintenance workers have



Smoker Ben, Bruce Babbitt trying to touch meek and souls

**E** Town wants more women  
Their groups' meconced  
The Blomberg/Aviator Wednesday, May 11, 1964

lational Parks and Conservation Association estimates that the national parks system needs \$2.3 billion worth of maintenance and repairs.

In 1963, the park service expects to increase by \$72 million with the new proposal. The system, under the new total would be operating budget of about \$1 billion a year. By boosting yearly revenues, Interior officials hope to pay for the program.

But the proposal has prompted lawmakers, citizens and the department's leaders to ponder fundamental questions about how and whether the park system should remain. The proposal, which has been met with skepticism by lawmakers, also would result in off from nature, the stakes in that debate may be higher than ever.

"If we don't launch the hours through their encounter with the national parks," Interior Secretary Bruce Babbitt asked park visitors to the Smokies, "how are we going to save the planet?"

"We believe people are probably going to be able to improve the parks they visit," said George F. Frumpton Jr., assistant secretary for the division responsible for the preservation of fish and wildlife and parks.

At the same time, he said, the parks are being "undermined." Brought to you by Yosemite, Babbitt wants to see the parks "renewed."

Rising fees, reports of overcrowding, and the fact that some park boaters are not doing as good, it must be restored to the park and restores the Smokies area once best known: guided nature walks and, more broadly, environmental education.

FOCUS

# Save parks, forests from 'industrial tourism'

By James Bishop Jr.  
Los Angeles Times

**The mining West ... the timber, the grazing, and the homestead West were raided, not settled ... by different breeds of raiders.**

— Wallace Stegner

**VERDE VALLEY, Ariz.** — Hardly more than a New York minute ago, Bruce Babbitt did appear to have all the right stuff to be the landlord of the nation's troubled 500 million-acre public domain of parks, rangeland, deserts and wildlife refuges.

Then the first of a series of setbacks befell him, beginning with the administration's humiliating deal in Congress over raising the grazing fees ranchers pay on public lands, resulting in a proposed rule-making that has generated accusations from ranchers and environmentalists that Babbitt had sold them out.

But wait a minute! Don't write Babbitt's political obituary yet. Now that a seat on the Supreme Court has been ruled out for the present, he's free to get back to business at the Interior Department.

There his plans to reform public-lands

practices are still alive, and he is preparing to face the most difficult dilemma of all: What to do about the explosion, not of cows and sheep, but of two-legged recreationists?

"Fun-hogs," Charlie Peterson, a county commissioner out of Moab, Utah, calls them, the real thundering herd, capable of causing more damage to public lands than any combination of sheep and cattle.

True, Woody Guthrie was correct. This land is their land, but in the West today, virtually every town and national park faces these new raiders: bikers, jeepsers, yuppies, New Agers and other refugees from deteriorating urban environments.

Ask any park ranger. Far too many of these fun-hogs are defacing and plundering ancient native American ruins, fouling overcrowded campgrounds, destroying back roads with \$50,000 high-powered Jeeps, violating the very sacred places they leave New York and California to worship.

Now comes word that the Interior secretary plans to take a page from "Desert Solitaire," first published nearly 30 years ago and the late Edward Abbey's poetic, prescient warning of the manifold dangers of industrial tourism, the invasion of wilderness and public lands of the West by a new breed of aggressors.

# 'industrial tourism'

keep the automobiles and the motorcycles and their motorized vehicles out. We've agreed not to drive our cars into cathedrals ... art museums ... We should treat our national parks with the same deference, for they, too, are holy places."

A radical idea in those days. But Babbitt, faced with projections that Grand Canyon visitors will double to 10 million annually in a decade, will soon set this idea adrift in the mainstream.

As Babbitt put it recently: "We simply cannot continue to build parking lots from Havasu Falls to the Little Colorado River ... Isn't there a point where we risk destroying the very values we cherish?"

Perhaps critics of the nation's 47th Interior secretary should back off, for he has realized, as none of his predecessors did, that "it's not the cows, stupid"; that the real danger facing the New West is that it is being loved to death.

□

James Bishop Jr. served in the Energy Department in the Carter administration and wrote "Epitaph for a Desert Anarchist, the Life and Times of Edward Abbey," to be published by Athencum in June.



Abbey's solution in "Desert Solitaire": No more cars in national parks.

"Let the people walk. Or ride horses, bicycles, mules, wild pigs — anything — but

ADVERTISER 5/11/94  
**Violent crime  
 has arrived in  
 the wilderness**

American society is playing out its troubles inside the nation's parks.

Rangers each year seize up to \$50 million worth of drugs — from marijuana grown in the parks to heroin transported through them.

Last month at a national monument outside Jacksonville, Fla., two juveniles were arrested for beating a ranger senseless. While no reports of assaults on officers existed in the park system's crime statistics as late as 1979, there were 103 such attacks in 1992 alone. At Yosemite National Park last Labor Day weekend, a racial melee involved a group of African American families from Southern California and Latino families from Oakland. A gathering of Russian immigrants skirmished inside Yosemite with other visitors of Baltic origin. A ranger was shot three times last July when he stopped to question a visitor walking along one of the park's roads. And gang activity, mainly associated with drug distribution, is becoming common in some parks near large metropolitan areas.

Throughout the system, thieves lurk in parking lots and wait for vacationers to hike away and leave their wallets and purses in their cars. Sedate garden club members dig up plants, and nursery workers cart away truckloads of purloined mosses and shrubs. Youths spray-paint graffiti on public buildings and rock faces in the woods.

Hunters cross into the parks, where wildlife is protected, and poach wild animals. When bears are poached in the Smokies, the valuable trophies are often sold for use in Asian medicinal treatments; sometimes, poor immigrants poach squirrels and other small animals to put dinner on their tables.

In all, homicides in the national parks have almost tripled since 1971, reaching 27 in 1991 and declining to 20 the following year. Vehicle theft has nearly doubled since 1971, according to National Park Service statistics. Assault has risen by almost 60 percent and rape and larceny have increased by roughly 30 percent. In 1992, there were 137 cases involving arson — an offense that was unheard of as late as 1979.

— *Los Angeles Times*

Federal Aviation Administration  
Office of the Chief Counsel  
Attn: Rules Docket (AGC-200), Docket #27643  
800 Independence Avenue, SW  
Washington, DC 20591

To Whom It May Concern:

I have just completed a helicopter sightseeing flight in the Hawaiian Islands. Without a doubt, this aerial tour was one of the highlights of my trip. Although it is possible to view Hawaii by hiking or driving, only a small amount of its spectacular natural beauty can be appreciated that way.

I have since learned that various efforts are underway, both legislative and regulatory, which could severely limit or even prohibit flights above and/or around Hawaii Volcanos, Haleakala, and other parks in the National Park System. It is extremely important for you to understand that as a U.S. Citizen, it is my right to choose to view the parks in this manner. This method exemplifies "Eco-Tourism" and causes the least amount of environmental impact.

The National Park Service Organic Act of 1916 states that the purpose of the Service is; "To conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations." Far more damage is done by hikers than by air tours passengers. We don't erode the terrain, trample vegetation, bring in foreign and aggressive plant and weed species, leave behind trash, remove artifacts, pollute water supplies, nor require park supervision. Touring by air is definitely part of the solution.

Many of my fellow citizens cannot hike the remote areas, due to physical challenges or simple time constraints. For them air touring may be the only way to view these regions. As the population ages, there will be more demand for air tours. A reasonable system should be developed which is fair to all parties, be they residents, hikers, or air tour passengers. No one group should be allowed to unreasonably exclude another. Please do not take this method of viewing parks and other beautiful scenery away from me nor from other citizens of our nation or our world.

Sincerely,

Sign Celia S. Fritz Print CELIA S. FRITZ  
Date 5/20/94 Street Address 2600 FAIRVIEW AVE. E.  
City, State, Zip SEATTLE, WA. 98112

P.S. This was the only way I could see this awesome natural occurrence. I saw nothing in this experience

Jim Mc Dermott that could cause any damage to the park or anything!

cc: My Congressperson Yes  No   
and to  
Senator Mark Gordon  
+ Patty Murray

U.S. Department of the Interior  
Bureau of Land Management  
101 Independence Avenue, S.W.  
Washington, D.C. 20250

Dear Mr. [Name Redacted]:

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Sincerely,

Signed: Chas. & Nancy Stasiak Print Name: CHAS. & NANCY STASIAK  
Date: 7-10-94 Street Address: 1241 CLIVER LN.  
City, State, Zip: FEASTERVILLE PA. 19053

Comments: TRULY A ONCE IN A LIFETIME ADVENTURE. SHOULD DEFINITELY REMAIN AVAILABLE FOR ALL TO ENJOY.



Department of the Interior  
 Bureau of Land Management  
 1015 North G Street  
 Washington, D.C. 20001

NEW YORK STATE LETTER

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Sincerely,

Signature: Michael Sabin Print Name: MICHAEL SABIN, Delta SAMAH  
 Date: 10 July 94 Street Address: 3641 MARIN DR.  
 City, State, Zip: BOOTHWYN PA 19061

Comments: DO NOT STOP, ONCE A LIFETIME, MY  
DAUGHTER LEARNED VERY MUCH !!!

Federal Aviation Administration  
 14 CFR Part 91.107  
 14 CFR Part 91.109  
 14 CFR Part 91.110  
 14 CFR Part 91.111  
 14 CFR Part 91.112  
 14 CFR Part 91.113  
 14 CFR Part 91.114  
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 14 CFR Part 91.169  
 14 CFR Part 91.170  
 14 CFR Part 91.171  
 14 CFR Part 91.172  
 14 CFR Part 91.173  
 14 CFR Part 91.174  
 14 CFR Part 91.175  
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 14 CFR Part 91.189  
 14 CFR Part 91.190  
 14 CFR Part 91.191  
 14 CFR Part 91.192  
 14 CFR Part 91.193  
 14 CFR Part 91.194  
 14 CFR Part 91.195  
 14 CFR Part 91.196  
 14 CFR Part 91.197  
 14 CFR Part 91.198  
 14 CFR Part 91.199  
 14 CFR Part 91.200

To Whom It May Concern:

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I have since learned that various efforts are underway, both legislative and regulatory, which could severely limit or even prohibit flights above and/or around Hawaii Volcanoes, Haleakala, and other parks in the National Park System. It is extremely important for you to understand that as a U.S. Citizen, it is my right to choose to view the parks in this manner. This method exemplifies "Eco-Tourism" and causes the least amount of environmental impact.

The National Park Service Organic Act of 1916 states that the purpose of the Service is: "To conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations." Far more damage is done by hikers than by air tour passengers. We don't erode the terrain, trample vegetation, bring in foreign and aggressive plant and weed species, leave behind trash, remove artifacts, pollute water supplies, nor require park supervision. Touring by air is definitely part of the solution.

Many of my fellow citizens cannot hike the remote areas, due to physical challenges or simple time constraints. For them air touring may be the only way to view these regions. As the population ages, there will be more demand for air tours. A reasonable system should be developed which is fair to all parties, be they residents, hikers, or air tour passengers. No one group should be allowed to unreasonably exclude another. Please do not take this method of viewing parks and other beautiful scenery away from me nor from other citizens of our nation or our world.

Sincerely,

S: Melody K. Raymond Print Name Melody K. Raymond  
 Date 7/7/94 Street Address 624 Alpine Way  
 City, State, Zip Louisville, Ky 40214

Comments: The beauty of the waterfalls can only be seen by the air  
in some areas. It would be a shame for this beauty to go to  
waste by people not being able to see them.

Federal Bureau of Investigation  
 Department of Justice  
 400 Independence Avenue, S.W.  
 Washington, D.C. 20535

Dear Sir:

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Sincerely,

Sig: Steven A. Hubbard Print Name STEVEN A. HUBBARD

Date 07-09-94 Street Address 411 LUCILLE AVE

City, State, Zip FOX RIVER, GEORGIA 30621

Comments: KEEPING THE HELICOPTER RIDES ALLOWS ANYONE  
(HANDICAPPED, ELDERLY) TO SEE ALL OF THE STAFF NOT JUST HIKERS!

cc:  ✓

Federal Aviation Administration  
Office of the Chief Counsel  
Attn: Rules Docket (AGC-200), Docket #27643  
800 Independence Avenue, SW  
Washington, DC 20591

To Whom It May Concern:

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Sincerely,

Sign *Jeh...l* Prin' Name Goh Hin Lan  
Date 26 MAY 94 Street Address BLK 221 BISHAN ST 23 #13-183  
City, State, Zip SINGAPORE

P.S. PLEASE, PLEASE DO NOT DISCONTINUE THE TOUR NEVER IN MY LIFE, CAN I EVER  
ENJOY JUST FANTASTIC SIGHT NO CAMERA, NO GEOGRAPHY BOOKS ETC CAN EVER CAPTURE THE  
BEAUTY & THE WONDER OF SUCH INCREDIBLE CREATION AS THE UNIVERSE  
cc: My Congressperson Yes  No



Federal Aviation Administration  
Office of the Chief Counsel  
Attn: Rules Docket (AGC-200), Docket #27643  
800 Independence Avenue, SW  
Washington, DC 20591

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Sincerely,

Sign *David W. Armitage* Print Name DAVID W. ARMITAGE  
Date 6-10-94 Street Address 683 WEATHERVANE Ct.  
City, State, Zip PA 110

P.S. I FEEL THIS TRIP HELPED TO EDUCATE MY  
FAMILY ON THE IMPORTANCE OF NATURE IN ACTION

cc: My Congressperson Yes  No

Federal Aviation Administration  
Office of the Chief Counsel  
Attn: Rules Docket Advisor      Docket #1764  
600 Independence Avenue SW  
Washington, DC 20591

To Whom It May Concern:

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Sincerely,

Sig: *Steven L. Pettit*      Print Name STEVEN L. PETTIT  
Date 3 JHL      Street Address 584A MICHELON RD  
City, State, Zip MONTEREY CA 93940

RETURNING: I CANNOT FATHOM A WAY TO SEE THIS BEAUTIFUL PART OF  
HAWAII WITH LESS IMPACT TO THE ENVIRONMENT, WITHOUT STOPPING  
ON A BACKPACK. CONSERVATION IS BEST OBTAINED THROUGH PUBLIC KNOWLEDGE  
BY: Mr. [unclear]      Yes  No       THIS WAS THE HIGHLIGHT OF MY  
VACATION.

Federal Aviation Administration  
 Federal Office Building  
 1201 Constitution Avenue, N.W.  
 500 Independence Avenue, S.W.  
 Washington, D.C. 20515

To: Honorable Max Baucus

I have just completed a helicopter sightseeing flight in the Hawaiian Islands. Without a doubt, this aerial tour was one of the highlights of my trip. Although it is possible to view Hawaii by hiking or driving, only a small amount of its spectacular natural beauty can be appreciated this way.

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Sincerely,

Sign: Raysa Paig Print Name: Raysa Paig  
 Date: 7/2/94 Street Address: 633 Calle Santa Barbara  
 City, State, ZIP: San Dimas, CA 91773

Comment: The experience and enjoyment of nature should be for everyone. We would not have seen the wonderful sights if the helicopter rides were not available.



Federal Aviation Administration  
Office of the Chief Counsel  
Attn: Rules Docket (AGC-200), Docket #27643  
800 Independence Avenue, SW  
Washington, DC 20591

To Whom It May Concern:

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Sincerely,

Sign Bill Silva Print Name Bill Silva  
Date 6/9/94 Street Address 601 N. Titan #357  
City, State, Zip Fullerton CA 92631

P.S. As an archaeologist I can't imagine restricting this form of viewing; which will most surely increase foot traffic and damage. Bill Silva  
cc: My Congressperson Yes  No

Federal Bureau of Investigation  
 U.S. Department of Justice  
 400 Independence Avenue, S.W.  
 Washington, D.C. 20535

How To Respond To This Form

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Sincerely,

Sig: Linda Lunell Print Name LINDA LUNELL  
 Date: 07-10-94 Street Address: 7078 Via Pradera  
 City, State, ZIP: SAN JOSE CA 95139

Comments: We couldn't have traversed this island as a family in any way other than helicopter due to age and physical abilities.



---

*Research/Strategy/Management*

**MAKING A MOUNTAIN OUT OF A CANYON: EXAGGERATING  
THE GRAND CANYON VISITOR SURVEY AND DOSE-RESPONSE STUDY**

A Preliminary Evaluation  
of the "Grand Canyon Visitor Study"  
and the "Acoustic Profiles and Dose-Response Study  
for Grand Canyon, Haleakala and Hawaii Volcanoes National Parks"

Prepared by

Dr. Ronald E. Hinckley  
Dr. Vincent J. Breglio

for

**AIR ACCESS COALITION**

March 4, 1994

9344 Lanham-Severn Road • Suite 103 • Lanham, MD 20706  
Telephone 301/306-0844 • FAX 301/306-0711

## TABLE OF CONTENTS

	<u>Page</u>
OVERVIEW . . . . .	i
EVALUATION TEAM. . . . .	ii
INTRODUCTION . . . . .	1
VISITOR SURVEY AND DOSE-RESPONSE STUDY AUTHORS' CAUTIONS . . .	2
FLAWS IN STUDY DESIGNS . . . . .	3
SAMPLE PROBLEMS. . . . .	6
DIFFICULTIES WITH RESULT PRESENTATIONS . . . . .	10
CONCLUSION . . . . .	15

## OVERVIEW

An examination of the "Grand Canyon Visitor Survey" and the "Acoustic Profiles and Dose-Response Study for Grand Canyon, Haleakala and Hawaii Volcanoes National Parks" finds serious flaws and biases in the study designs, sampling plans, sample implementations, and data presentations. Neither provide certain and convincing data for analyzing the effectiveness of SFAR 50-2.

The study investigators admit that the study designs are limited and the findings cannot be generalized to all Grand Canyon visitors or the park as a whole. Because of this, the visitor survey fails to meet its first objective: "to determine the percentage of visitors who were exposed to aircraft sounds."

The bias in the studies is explicit--select the noisiest places with the most people. Most of the NPS areas selected for the visitor survey were chosen on the basis of large aircraft exposure and expected great visitor response rates. The dose-response study planned for data collection only at locations having a high probability of aircraft overflights during high visitor periods. There were virtually no measurement of exposure to aircraft overflights or interviews of visitors at sites where either overflights or visitors were infrequent.

Insufficient information is provided on the samples for the two studies. What information exists suggests that the dose-response study suffers from woefully inadequate sample sizes for all Grand Canyon interview sites. Even less information is available for the visitor survey, but the investigators acknowledge that the design effects are huge. These effects forcefully reduce the size of the sample for the various visitor groups to insignificance. No one should make serious policy decisions based on such samples.

The data presented in the studies and the manner in which they are presented tend to exaggerate the impact of aircraft on park visitors. First, not all results have been made available, suggesting that some might exist which would show aircraft impact to be minimal. Second, what findings are available are presented in an uncommon manner. For example, a "visit" is the same unit of analysis for each visitor even though the average time of visit varies from five hours to 11 days for the five visitor types. Standardizing the data for time spent in the park reverses some of the findings. Scales are used in a manner that magnify the impact of aircraft on visitors. The graphs for the dose-response study have inconsistent scales, again exaggerating the impression of great aircraft impact.

Until complete disclosure of the studies' methodologies, data, and findings are released for independent analysis, the NPS and FAA should avoid definitive conclusions based on these studies, which the contractors themselves acknowledge have limited utility. It is impossible from either of these studies to be used to suggest or support any significant refinements or improvements to SFAR 50-2.

**EVALUATION TEAM**

Dr. Ronald H. Hinckley was the principal reviewer of the available information on the "Grand Canyon Visitor Survey" and the "Acoustic Profiles and Dose-Response Study for Grand Canyon, Haleakala and Hawaii Volcanoes National Parks." Dr. Hinckley has over two decades experience in survey research from interviewing, coding and data processing through project management and administration. He was recently Director of Research for the United States Information Agency, where he managed all international survey research conducted by the U.S. government. He served in two Washington-area think tanks, and in the White House as director of special studies for crisis management activities. He was co-founder of the Toronto-based Decima Research, Limited, one of Canada's leading firms in corporate public opinion research. Dr. Hinckley was also vice president of Decision/Making/Information. He has published articles on public opinion research in professional journals and his recent book, People, Polls, and Policymakers: American Public Opinion and National Security (Lexington Books, 1992) has been described as the best work on public opinion and governance in print and a must read for any serious scholar or practitioner of international affairs.

Dr. Vincent J. Breglio serves as a methodological consultant on the project. Dr. Breglio is president and co-founder of R/S/M and has more than twenty-five years of experience in survey research. He was a survey consultant to the *Wall Street Journal* and NBC News during the 1992 presidential election campaign. Dr. Breglio's Ph.D. is in social psychology with an emphasis in research methodology and statistical analysis.

**Making a Mountain out of a Canyon: Exaggerating  
The Grand Canyon Visitor Survey and Dose-Response Study**

Introduction

When the Special Federal Aviation Regulation (SFAR) 50-2 Oversight Group met in Las Vegas, Nevada on September 16, 1993, the National Park Service (NPS) had contractors present preliminary results of the "Grand Canyon Visitor Survey" and "Acoustic Profiles and Dose-Response Study for Grand Canyon, Haleakala and Hawaii Volcanoes National Parks." A NPS representative indicated that various draft reports would not be available to people but the final reports would. Thus everyone would be working with the same definitive studies so that misinformation, misinterpretations, and misunderstandings could be avoided.

The result has been just the opposite. Newspapers have run stories that misinterpret the studies and mislead readers, based on draft reports or on selective information they appear to have obtained from insiders. The final reports seem to be completed. The executive summaries for the dose-response study (dated October 1993, NPOA Report No. 93-6) and the visitor survey (January 1994, NPOA Report No. 93-5) have been provided to participants in the "Finding A Balance" Aircraft Overflights Workshop" set for March 16-18, 1994 in Flagstaff Arizona. However, efforts to obtain the complete reports from the NPS and the contractors so that everyone can have the same information at the workshop have met with failure.

Access to the full reports is necessary because, based on the limited material available to date, some serious concerns exist about what these two studies purport to represent. Below, the explicit bias of the studies, their limited precision, and the way in which the data have been presented are examined to illustrate these concerns.

The information used in this report is carefully documented. It comes from the material made available for the workshop, the

presentations made at the 16 September 1993 Las Vegas meeting, and planning reports submitted by the contractors to the NPS for these two studies. Individually and collectively, the material available on these studies suggests they have been grossly misrepresented as to their findings, precision, and implications.

Claims about these studies appear to have set the tone for the workshop. They remain largely unchallenged because the definitive final studies promised by the NPS have not been produced for careful independent peer review and scrutiny by all parties concerned with aircraft overflights. The cursory executive summaries of the two studies are not sufficient for workshop participants to truly "find a balance." Until complete disclosure of the studies' data, methodologies, and findings are released for independent analysis, the NPS and Federal Aviation Administration (FAA) should avoid coming to any definitive conclusions based on these studies, which the contractors themselves acknowledge have limited utility.

#### Visitor Survey and Dose-Response Study Authors' Cautions

The authors of both studies clearly caution readers against extending the findings beyond a limited set of circumstances.

Visitor Survey. The visitor survey report has the following circumspection, "caution must be exercised with data interpretation and generalizations based on study findings."<sup>1</sup> The authors express concerns with problems of perceived versus actual measurement of aircraft overflights, their own sample design, and the location of

---

<sup>1</sup>"Aircraft Management Studies: Grand Canyon Visitor Survey" (NPOA Report No. 93-5, HMMH Report No. 290940.19), Harris Miller Miller & Hanson, Inc., prepared for the National Park Service, January 1994, p. iii; (hereafter referred to as NPOA #93-5) (the emphasis has been added to this and all other citations).



visits. They warn plainly that, "there is no justification for using the study data to generalize to all Grand Canyon visitors."<sup>2</sup>

Dose-Response Study. Under the heading "CAUTIONS," the authors of the dose-response study note:

the data were collected on visitor reactions and sound levels at a specific site, and hence should be applied to specific sites only and not extended to an entire park.<sup>3</sup>

In fact, the authors of this study note eight specific and critical cautions about interpreting the study and freely admit that "since the data collection sites and times were in no way random, strict statistical generalization is not possible."<sup>4</sup>

#### Flaws in Study Designs

Each of the studies acknowledges specific bias in their designs and, hence, limitations with their findings.

Visitor Survey. The executive summary acknowledges up front<sup>5</sup> that "the five visitor groups [summer frontcountry, summer backcountry, fall backcountry, motor-powered river, and oar-powered river] have different probabilities of being exposed to aircraft overflights" because of variances in the amount of time spent in "flight free zones" and "flight corridors" and "the length of stay in GCNP." It is not, therefore, surprising, that they find variation in the five visitor groups, although the nature of this variation is subject to

---

<sup>2</sup>Ibid, iii-iv.

<sup>3</sup>"Dose-Response Relationships Derived From Data Collected at Grand Canyon, Haleakala and Hawaii Volcanoes National Parks" (NPOA Report No. 93-6, EMME Report No. 290940.14), Harris, Miller, Miller Hanson, Inc., prepared for the National Park Service, October 1993, p. 13; (hereafter referred to as NPOA #93-6).

<sup>4</sup>Ibid.

<sup>5</sup>Ibid, ii.

question (see below). However, the study design did not provide for the measurement of these key variables:

even though the general location of individual visitors was known, the specific location(s) visited by study respondents and amount of time they spent at each location in the park were unknown.<sup>6</sup>

The authors of the report also note:

Because both the location and the time spent there have direct implications for analyzing the effectiveness of SFAR 50-2, this information will be important to gather in the future.<sup>7</sup>

This is a direct admission that the visitor's survey design precludes its use in analyzing SFAR 50-2 effectiveness. This preclusion is underscored by the acknowledged bias in the survey design. The detailed plan for sampling and data collection says:

to provide a cost-efficient study design, most of the NPS areas selected for the visitor survey will be chosen from the strata where the largest noise exposure and the greatest visitor response are expected to occur.<sup>8</sup>

More specifically, it states that:

parks with high probability of overflights (at least 4 to 6 overflights per hour) and a high level of visitor use in overflight areas will be selected.<sup>9</sup>

---

<sup>6</sup>Ibid, iv.

<sup>7</sup>Ibid.

<sup>8</sup>"Aircraft Overflight Study Recommended Plan: Detailed Sampling, Data Collection and Data Analysis Plans for the Visitor Survey and the Dose-Response Survey" (NPOA Report No. 91-6, HMMH Report No. 290940.08), Harris Miller Miller & Hanson, Inc., prepared for the National Park Service, April 1992, p. 7; (hereafter referred to as NPOA #91-6).

<sup>9</sup>Ibid, 23.

Supposedly the first objective of the visitor survey was to determine "the percentage of national park visitors who are impacted by aircraft overflights and associated noise."<sup>10</sup> However, as noted above, "there is no justification for using the study data to generalize" because the survey was designed to produce results that would reflect high levels of exposure to aircraft.

Dose-Response Study. Similar problems exist with this study design. First, "this exact type of study in a park environment had never before been attempted."<sup>11</sup> While common to "urban airport environments" such a study is a total novelty in a national park setting. Hence, at least "nine major issues" had to be resolved to even attempt this study, and there is no benchmark, no standard to judge whether or not these issues were effectively settled. It takes considerable conceptual finesse to transfer a design from LAX to the Grand Canyon. Maybe this is why the report makes the ironic warning to readers that "the results should not be applied to areas where aircraft are regularly noticeably climbing or descending," that is near an airport, the only place such studies have been conducted. It appears that the study design has been turned upside down.

As in the visitor survey, the bias in the dose-response study design is explicit:

The proposed sampling plan for conducting the dose-response surveys is based on the concept that data should be collected only at locations having high numbers of visitors and a high probability of aircraft overflights during typical visitor periods....there will be no measurement of exposure to aircraft overflights or interviews of visitors at sites where either overflights

---

<sup>10</sup>See 24 July 1991 letter from Elmer Hernandez of the NPS, Denver Service Center to Mr. John Seibold and NPOA #93-5, p. i.

<sup>11</sup>NPOA #93-6, p. 3.

or visitors are expected only infrequently. Therefore, the selection of sites will be purposeful; the only sites that should be included in the dose-response survey are those where there are many visitors predictably exposed to aircraft overflights.<sup>11</sup>

The study design further narrowed the sample frame by excluding people who were at the selected sites for 15 minutes or less. The study was designed to select people and sites where noise would likely be an issue. While such a study can be useful in dealing with the implications of where aircraft noise is an issue, it cannot legitimately be used to make any inference to the likelihood, salience, and predictability of aircraft noise as an issue.

#### Sample Problems

Both studies have serious sampling problems with too few effective interviews to produce useful data. Industry standards have not been met regarding release of information on sample size response rates for the visitor survey.

Visitor Survey. While the authors of this study readily acknowledge the study design effects on the sample for the survey, they do not indicate how serious this is in the executive summary. This information may exist in the full report, but that information has been withheld to date. However, they do suggest in their planning document that there is a serious design effect:

Relatively large design effects, in the range  $DEFF = 4$  to  $8$ , are expected with the recommended sample design because of the great degree to which sampled visitors will be clustered by park and by day.<sup>12</sup>

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<sup>11</sup>NPOA #91-6, xii.

<sup>12</sup>NPOA, #96-1, 20. DEFF is the effect of the actual study design on the precision of the study. "For a given actual sample size,  $n$ , and a given design effect, DEFF, the effective sample size

This is why the authors refuse to justify any generalizations of the visitor survey to the population of people who visit the Grand Canyon!

No specific information on the sample is given in the executive summary or any of the tables and figures from the 16 September 1993 SFAR 50-2 oversight group meeting in Las Vegas. This is an unusual oversight since the American Association for Public Opinion Research (AAPOR, to which the some of the study investigators belong) Code of Professional Ethics and Practices says:

Good professional practice imposes the obligation upon all public opinion researchers to include, in any report of research results, or to make available when that report is released certain essential information about how the research was conducted: At a minimum, the following item [among others] should be disclose: Size of samples and, if applicable, completion rates and information on eligibility criteria and screening procedures [and] which results are based on parts of the sample, rather than on the total sample.<sup>14</sup>

This information may exist in the full report, but its lack of availability for the workshop suggests that caution should be used in applying any of the results of the visitor survey to the discussions. There is good reason for this. A sample size of 875<sup>15</sup> was projected for "the intensely sampled parks" such as the Grand Canyon. Since this total sample cannot be used for projecting to all the park visitors, it must be broken down into

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is equal to  $n/DEFF$ ." Hence, a sample size of 9,600 interviews based on the design of this study would correspond to an effective sample size of 1,200 with a  $DEFF=8$ .

<sup>14</sup>Code of Professional Ethics and Practices for the American Association for Public Opinion Research as presented in APPEAR's Directory of Members, 1993-94.

<sup>15</sup>NPOA #91-6, viii.

visitor group segments or about 175 interviews for each of the five groups one might surmise.

Given the acknowledged severe design effects for the whole survey, DEFFs ranging from 4 to 8, one can infer that the effective sample sizes for each of the groups is somewhere between 22 and 43. No one would or should make serious policy decisions based on such small sample sizes or even ones two to three times larger.

The claimed desired level of precision for the entire NPS area study is  $\pm 5$  percentage points for a 95 percent confidence interval if 16,200 completed mail questionnaires are received.<sup>16</sup> For small universes such as those for four of the five visitor types (excluding frontcountry), a substantially larger proportion of the universe must be sampled to achieve such accuracy. For the two month periods when the surveys were taken, the effective sample would have to be somewhere between 1,000 and 1,300 for each of the visitor types to achieve the required precision.<sup>17</sup> The actual samples appear to be about 175 and the effective samples less than 50, suggesting that the desired precision is not achieved and that little precision, if any, exists for the visitor survey.

Not only is there no justification to use the study data to generalise to all Grand Canyon visitors, there is serious questions about its applicability to generalizations about each of the visitor types.

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<sup>16</sup>Ibid, 20.

<sup>17</sup>See Morris James Slonim, *Sampling* (New York, Simon and Schuster, 1966), p. 78.

Dose-Response Study. Once again this study has problems similar to the visitor survey. In their planning document, the investigators note:

In terms of a dose-response study, useful data means 200-300 interviews per site with visitors who have experienced a range of aircraft overflight exposure while at that site.<sup>18</sup>

Since the investigators acknowledge that they designed the study to include only high exposure to aircraft overflight, there is no sample with "a range of aircraft overflight exposure" to provide useful data.

There is another flagrant sampling problem. This relates to the 200-300 interviews per site needed to provide useful data. At none of the Grand Canyon locations for which data are presented does the number of interviews reach 200. It appears that only one comes close. Furthermore, the number of interviews per site have changed in a downward direction since the 16 September 1993 meeting in Las Vegas. The table on the following page presents this information.

Based on their own standards and plans, there should have been between 800 and 1200 interviews for these four locations. Preliminarily, 499 interviews were claimed; when the report was produced the number of interviews acknowledged was 379. One cannot accept the dose-response study with any credibility given the significantly small samples, and the reduction by 24 percent in the number of interviews between the September presentation and the October report raises other serious questions about the validity of the study.

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<sup>18</sup>NPOA #91-6, xii.

Number of Dose-Response Interviews  
by Location and Source

Study Area	September Las Vegas Presentation	October NPOA #93-6, p. 5
Havasu Creek	60	30
Point Imperial	187	124
Hermit Basin	35	32
Lipan Point	217	193

Difficulties with Result Presentations

The presentations of the findings have been done and displayed in a way that exaggerates the impact of aircraft on park visitors.

Visitor Survey. Only selective results of the surveys have been provided. Results can only be truly evaluated when the results of all survey questions are made available. Their absence suggests that the NPS does not wish them made available for discussion about policy issues. The NPS should make all survey results available in detail.

The available findings are presented in an uncommon manner. For example, a visitor's "visit" is treated the same (as a single unit of analysis) for all visitor types despite the investigators acknowledgement, as noted above, that each visitor type spends significantly different amounts of time in the park. The result is a misrepresentation of the data.

For example, the graph presented for the average number of aircraft heard and seen by visitor types leads to the impression that river oar types and fall backcountry types see and hear more aircraft than other types of visitors. However, it is possible to control for length of time in the park and adjust these data by day and by hour so that comparisons are meaningful. As seen in the table below, leveling the playing field so that each visitor's



observations are subject to the same time period leads to the opposite conclusion to that offered to date.

Average Number of Aircraft Heard  
For Visitor Type by Visit, Day and Hour

Group	Visit*	Day**	Hour***
Summer Front	3	6.0	0.6
Summer Back	5	2.6	0.3
Fall Back	10	4.3	0.5
River Motor	4	0.6	0.1
River Oar	13	1.3	0.1

\*The average number of aircraft heard by type of visit as presented at the 16 September 1993 meeting in Las Vegas.

\*\*The average number of aircraft heard by day where the number of days per visitor type is the average provided in NPOA #93-5, p. ii-iii: summer frontcountry = 5 hours (.5 days for this table based on 10 functional daylight hours in the summer); summer backcountry = 1.9 days; fall backcountry = 2.3; river motor-powered = 6.5; and, river oar-powered = 10.3.

\*\*\*The average number of aircraft heard by hour where the hours used for this computation is the number of days times 10 daylight hours per day for summer visitors and eight daylight hours for fall visitors. Aircraft heard at night by backcountry and river visitors are counted as if heard during the day, effectively overstating somewhat the average number of aircraft heard for these type visitors.

Clearly, how the data are presented affect the conclusions. In the NPS contractor presentations, the column for visit in the table, makes it appear that river oar-powered type visitors experience significantly more aircraft than other visitors and summer frontcountry visitors experience significantly less. However, when adjustments are made for "hearings" based on equal segments of time spent in the park, the opposite conclusion can be drawn. For the time spent in the park, summer front country visitors experience the most aircraft and river types (either power source) experience the least.

Since summer frontcountry visitors experience the most interaction with aircraft for time spent in the park, it is remarkable that nine out of ten find their exposure to aircraft numbers, level of sound, and duration of noise heard to be "acceptable."<sup>19</sup> At the same time, those who experience the least amount of aircraft per time in the park, river oar types, have six in ten who find such exposure acceptable. The latter are probably more interested in a purely natural experience in the park, but a sizeable majority still find the level of exposure as "acceptable."

The point is that the findings could and sometimes do mean something different than purported. If all results are made available even more such differences are likely to be found.<sup>20</sup> For instance, there are other areas where changing the unit of analysis to more standard measures would affect the results. For example, the "importance of natural quiet" is claimed to be a major variable in the study, yet there are flaws in its usage.

First, "importance" is based on a closed-ended question. The best measure for "importance" in surveys comes from an open-ended question where respondents are not prompted. Such an open ended question would establish absolute salience, but one was not asked in the survey. How "important" natural quiet is to the respondents in absolute terms is not determined in this study.

Second, a comparative question which asks people to rank specific issues (such as viewing natural scenery, enjoying natural quiet, doing things with my family, learning about nature, etc.) on a priority basis would establish relative importance. This is not done in the survey as people are merely asked to state how "important" natural quiet is to them. It cannot be determined with

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<sup>19</sup>Figure 3, 16 September 1993 Las Vegas presentation on the visitor survey. These ratios are inferred because the figure presents the percentages of "unacceptable" responses even though these are less than a majority for all visitor types.

any certainty from the study whether or not natural quiet is more important or less important than the other reasons for visiting the park.

Third, the "importance" of natural quiet is defined in terms of three points on a five point scale. The normal standard in the industry for analyzing a five point scale is to use two points at one end of the scale to determine "importance" ("very" and "extremely" in this study), two points at the other end to determine the lack of "importance" ("not at all" and "slightly"), leaving the middle point ("moderately") as neutral ground. The use of the middle point in the scale as a determination of "importance" suggests that the top two points did not receive as significant a response rate as the NPS would have desired.

In fact, this appears to be true. In the visitor survey, using three points for "importance" on the five point scale, from 91 to 98 percent of each of the visitor types claim natural quiet is "important." However, in the dose-response study, a reference<sup>20</sup> is made to visitors who say enjoyment of natural quiet was "very" or "extremely" important--the two scale points that would normally be used. The percentage is 68, about 30 percent less than one is lead to believe feel natural quiet is "important" in the visitor survey. Only full access to the data will clarify this.

Furthermore, no comparative data are provided for the other questions that were asked in this section of the survey. Making these data available would at least provide some relative understanding of the significance of the "importance" of natural quiet scale.

Dose-Response Study. The study design and sampling flaws in this study make the findings inconsequential. Still, the way they have

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<sup>20</sup>NPOA #93-6, 6 (footnote 1).

been presented in data figures produce biasing effects for the reader. For example, the figures for the percentage of time that aircraft can be heard and perceived level of "annoyance" and "interference with natural quiet" use adjusted data. The curves in the chart assume 50 percent of the visitors were first time visitors; however, 83 percent of the sample were first time visitors.<sup>21</sup> This results in a curve that overstates the impact because the study also found that "first time visitors are less sensitive to aircraft sound than are people who have visited the site before."<sup>22</sup>

The overstatement of the data does not stop here. The X axis scale on the charts is not uniform. The first 2½ inches represent 10 percentage points, the second 2½ inches represent 90 percentage points. This visually exaggerates the rapidity with which one becomes "annoyed" or "feels natural quiet" is interfered with by the percent of time aircraft can be heard. The actual representation would be a much flatter line.

Finally, the graphics in the executive summary of the report combine the findings for the Grand Canyon, Haleakala, and Hawaii Volcanoes National Parks. This is improper for several reasons. The sample sizes for the three parks was significantly different. The two Hawaii parks had twice the number of interviews as did the Grand Canyon, which would produce a bias effect toward the Hawaii results--hardly something one would want to use when discussing the Grand Canyon. Also, the Hawaii results as presented in the 16 September 1993 meeting in Las Vegas show greater aircraft impact than most measures in the Grand Canyon. The bias effect is toward high impact, just as is every data presentation format in the two studies.

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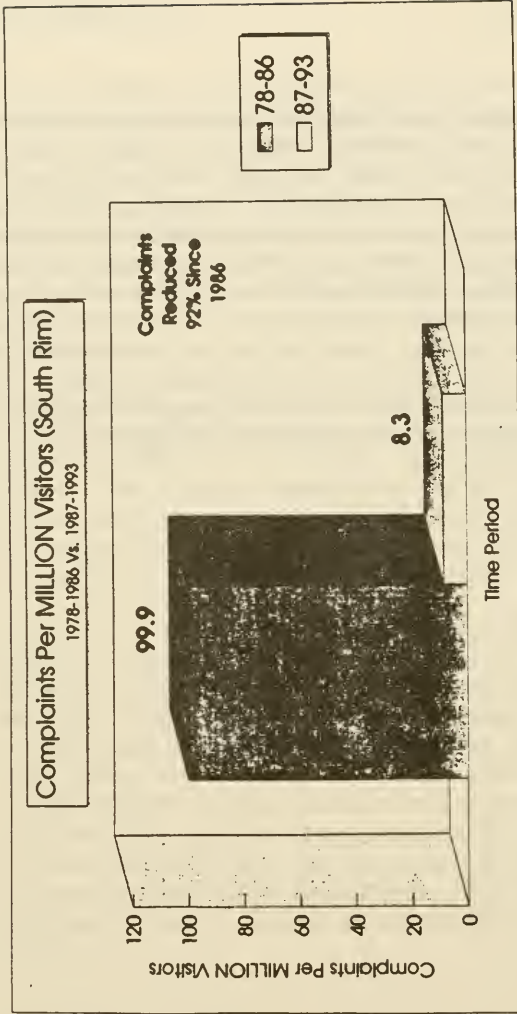
<sup>21</sup>Ibid.

<sup>22</sup>Ibid, 9.

Conclusion

One can only conclude from this preliminary examination of the visitor survey and dose-response study that serious flaws and biases exist in the study designs, sampling plans and implementations, and data presentations. Neither provide certain and convincing data for analyzing the effectiveness of SFAR 50-2. In fact, the visitor survey admits that its findings cannot generalize to all Grand Canyon visitors, failing to meet its first objective: "to determine the percentage of visitors who were exposed to aircraft sounds." Until all of the data, reports, and methodologies are made available for independent analysis, it is impossible from either of these studies to suggest or support any significant refinements or improvements to SFAR 50-2.

# Air Access Coalition

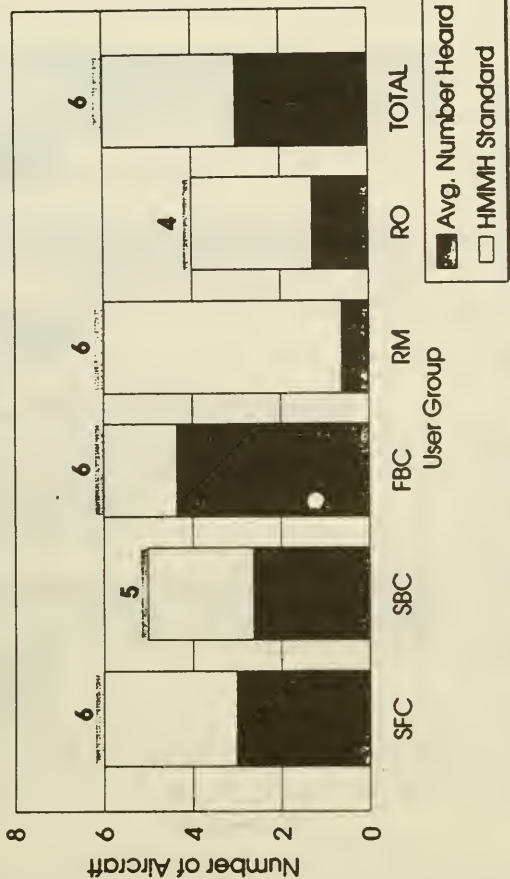


**FACT: From 1987 through 1993, only 1 out of every 120,000 Park visitors complained about aircraft**

**FACT: In 1993, only 56 complaints were received, that's only 1 out of 880,000!**

# Air Access Coalition

Number of Aircraft Heard and Seen PER DAY Vs. HMMH Standard

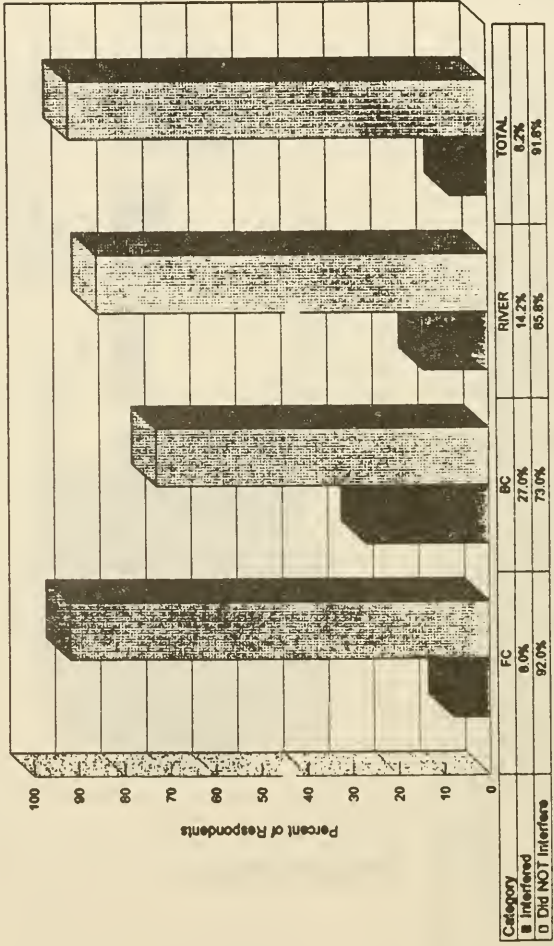


Source	SFC	SBC	FBC	RM	RO	TOTAL
Avg. # Heard (Total)	3	5	10	4	13	3.0
Avg. Stay	1.0	1.9	2.3	6.5	10.3	1.0
Avg. # Heard (Per Day)	3.0	2.6	4.3	0.6	1.3	3.0
Standard	6.0	5.0	6.0	6.0	4.0	6.0
# Remaining to Reach Std	3.0	2.4	1.7	5.4	2.7	3.0

Sources: 1) HMMH Report No. 290940.19, p. v, 1/19/94; 2) ibid. p. 1; 3) ibid. p. xii

# Air Access Coalition

Figure 2 (a). Aircraft Impact on Visitor Enjoyment





Compiled by Honolulu FSDO

DRUG INTERDICTION HELICOPTER OPERATIONS - BIG ISLAND

The following groups are involved in the drug interdiction program in the state of Hawaii.

DEA (Drug Enforcement Agency) - 1 BO-105

Civilian Contractors for DEA Operations - 2 to 4 Helicopters per mission usually HU-369

Active Army Units from Wheeler AAF - 2 OH-58 helicopters per mission

Hawaii Army National Guard - 2 OH-58 helicopters  
Reconnaissance and Interdiction  
Detachment (RAID)

The above noted aircraft are involved in approximately 3 Operations per month of approximately 5 days per mission each day consisting of approximately 5.5 hours divided into 2 or three flights. Of the three operations per month, over the last six months the average has been two per month on the Big Island. In addition to the Drug Interdiction Program the DEA helicopter supports missions for the National Park Service, Department of Land and Natural Resources (DLNR) and various Police vice units. The support roll of the DEA helicopter uses approximately 40 hours per month consisting of approximately 20 flights.

The mathematics of the Drug Interdiction program on the Big Island consisting of 2 missions per month is as follows:

DEA helicopter:	12 days	66 hours	33 flights
Civilian Contractors:	12 days	200 hours	100 flights
Active Army Units:	12 days	120 hours	55 flights
National Guard RAID:	12 days	120 hours	55 flights
<hr/>			
TOTAL:	12 days	506 hours	218 flights

In addition to the above mentioned flights there are approximately 50% more flights that are flown for various missions for Police Vice units, Park Service, DLNR and Geological Survey teams in the Volcanoes area by the DEA helicopter and the civilian contractors. This puts the total numbers for all above flights to 639 hours 284 flights (this does not include the military helicopters that are on military directed missions or training flights).

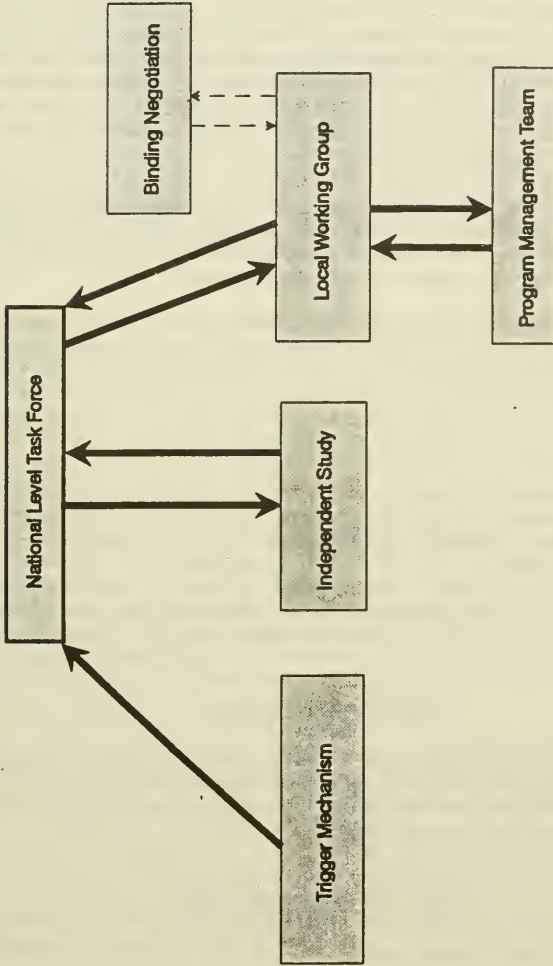
Generally, the above flights are rural and remote areas where marijuana is grown centered in the Puna District of the Big Island.

The DEA aircraft fly one helicopter at approximately 1,500 feet with electronic detection devices while the rest fly at low altitudes with instructions to maintain at least 150 yards separation from residents.

The number of complaints received from the helicopter hotline jump from less than one per day to at least three to four calls per day of which at least 75 % can be directly related to the DEA operations. The helicopter hotline personnel report that callers to the helicopter hotline are usually more irate on the ones directly related to the DEA operations than those that are not.

There is a DEA hotline telephone number listed in the newspaper (808) 961-2253 manned by Lt. Chai. This has been reported that this line is not very helpful and most callers to the helicopter hotline have already called this number and were frustrated in their efforts.

# National Park Overflight Resolution Process



# NATIONAL PARK OVERFLIGHT RESOLUTION PROCESS

## NATIONAL LEVEL TASK FORCE (NLTF)

The NLTF supervises the overflight resolution process. It meets quarterly to review ongoing and potential problem areas. The NLTF is comprised of a balance of representatives from the aviation industry, including air tours, FAA, NPS, the department of tourism, park users, and recognized, credible national organizations such as the Nature Conservancy, Sierra Club, AARP, etc. The NLTF will develop the guidelines for the TRIGGER MECHANISM and the INDEPENDENT STUDY, and will outline procedures used in the LOCAL WORKING GROUPS.

Potential problems which have been "triggered" since the last quarterly meeting are evaluated and, if so decided, are referred to an INDEPENDENT STUDY team for impartial, detailed analysis. The results of the INDEPENDENT STUDY are reported back to the NLTF which decides if additional action is necessary.

If compelled by the information in the INDEPENDENT STUDY, the NLTF will organize a local working group designed to develop an agreement to resolve the problem(s) pointed out by the INDEPENDENT STUDY.

## TRIGGER MECHANISM

An objective mechanism is needed to alert the NLTF to potential problems which may exist or may be brewing in a particular park. The local park superintendent monitors the number of unsolicited complaints registered. When the ratio of complaints versus total park visitors or complaints versus visitors to a particular scenic attraction reaches a specified percentage, the superintendent informs the NLTF. The NLTF reviews the superintendent's report, interviews tour operators in the area, and takes whatever other steps are necessary to determine if an INDEPENDENT STUDY is necessary.

## INDEPENDENT STUDY

An unbiased study is necessary when the NLTF determines that a potential problem exists at a particular park. The NLTF will approve an inventory of survey companies which may be called upon when necessary. For national consistency, the methodology they use will be pre-determined by the NLTF.

## LOCAL WORKING GROUP

If the study shows that a problem exists, the NLTF will organize a LOCAL WORKING

GROUP to address the problem. The group will consist of a balance of local representatives from the aviation industry, the FAA, departments of tourism or visitor's bureaus, the NPS, park users, and recognized, credible local and national organizations such as the Nature Conservancy, Sierra Club, AARP, etc.

Using the procedural guidelines set forth by the NLTF, the group will develop a working agreement for the interactive use of the park by the various user groups. This is a give and take situation and a high degree of consensus, according to the criteria set forth by the NLTF, is required for acceptance. Once such a consensus is reached, the agreement is returned to the NLTF for final review. If approved, the agreement will take effect after a period for education and training of the applicable parties.

Though the WORKING GROUP will be limited to a reasonable number of "voting" participants, as determined by the NLTF, it will be conducted in a manner which allows for as big an audience of interested parties as possible. The audience members will not be directly participating in the discussions or negotiations of the GROUP, but they will be able to observe the workings and convey their thoughts to their respective representatives in the GROUP during breaks or between sessions.

#### BINDING NEGOTIATION

Should the LOCAL WORKING GROUP be unable to reach a consensus, their work to that point will be forwarded to a pre-determined BINDING NEGOTIATION team which will review the situation, interview the parties involved and, using guidelines developed by the NLTF, will produce a working agreement for the park in question. The resultant agreement will have the full force and effect as if developed by the LOCAL WORKING GROUP.

#### PROGRAM MANAGEMENT TEAM

A team made up of a representative of the aircraft industry, the FAA, and the NPS will monitor effectiveness of and compliance with the agreement. Methods of monitoring and penalties for violations would be outlined in the agreement. Initially it is recommended that compliance be maintained on a voluntary basis, for a period of three months, to determine if that will be sufficient. Because the industry is involved in the development process, they are likely to want the program to succeed.

If the voluntary arrangement is deemed by the PROGRAM MANAGEMENT TEAM to be unsatisfactory at the end of the three month period, a report from the PROGRAM MANAGEMENT TEAM summarizing the problems will be sent to the LOCAL WORKING GROUP. If the LOCAL WORKING GROUP determines that non-compliance is due to deficiencies in the program, it will make revisions and return the program to the PROGRAM MANAGEMENT TEAM for another three month period. If non-compliance is due to the irresponsibility of operators, the guidelines within the working agreement will be incorporated into the Operating Specifications of the operators and thereafter managed by the FAA.



## THE WILDERNESS SOCIETY

STATEMENT OF KARL GAWELL, DIRECTOR OF NATIONAL PARKS PROGRAMS  
BEFORE THE SUBCOMMITTEE ON AVIATION, JULY 27, 1994  
REGARDING LEGISLATION AND REGULATIONS AFFECTING SCENIC  
OVERFLIGHTS ABOVE NATIONAL PARKS

Mr. Chairman, members of the Subcommittee, I appreciate being offered the opportunity to present testimony on behalf of The Wilderness Society's 300,000 members concerning the status of efforts to address the impact of tour overflights on National Parks.

The experience of visiting a national park, particularly a park wilderness area, is inseparable from the issue of solitude. Jon Muir, Aldo Leopold, Bob Marshall and other early advocates of the wilderness ethic all wrote about the value of peace and natural quiet. In his journal, John Muir reflects on his experience of Alaska, saying, "In this silent, serene wilderness the weary can gain a heart-bath in perfect peace." Today, the spiritual refreshment which wilderness provides our increasingly urbanized population has an incalculably higher value than it did in 1890 when those words were written.

Threats to the naturalness of our parks and wilderness areas have been growing since the first national parks were established in the 19th Century. First, the noise and smoke of railroads threatened the solitude of parks. In some cases, like Yosemite, Glacier and Yellowstone, rail lines were stopped at park boundaries. In others, including the Grand Canyon, rail lines entered what is now park lands before local opposition could prevail upon Congress or the President to stop the encroachment.

Next, automobiles threatened the tranquility of the parks. At first, they were banned because of the noise and disruption

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(202) 833-2300

they caused. But, pressure from businesses and auto clubs forced a quick retreat on that policy. As a result, cars and the problems which accompany them, are consistent problems for park managers, and a major part of the expense of running the parks. Fortunately, the Parks Service has succeeded in minimizing their impact, by keeping about 90% of park lands out of their zone of impact.

Now, aircraft pose a serious new threat to parks and wilderness. Fixed wing aircraft and helicopters emit much more noise than automobiles, and are quickly expanding their use of the National Park System. A few decades ago, the Grand Canyon was the chief battleground between wilderness advocates and commercial tour operators. Today, the conflict has spread to 130 units of the Park System.

From its inception, The Wilderness Society has sought to protect the solitude of park and wilderness areas. The founding platform of The Wilderness Society, adopted in 1935, says, "All we desire to save from invasion is that extremely minor fraction of outdoor America which yet remains free from mechanical sights and sounds and smells."

We repeatedly have tried to convince the federal agencies to take action to meet their legal obligations and protect park resources from noise. Too often, we have had to resort to the courts and the legislative process. But today, there is a new turn of events.

Last March, on their own initiative, the Federal Aviation Administration and the National Park Service published an Advance Notice of Proposed Rulemaking regarding overflights of the National Park System. Without question, the ANPRM has, in part, prompted the interest of this Subcommittee. We hope that the Subcommittee will conclude, as we have, that the ANPRM is a positive effort and will help encourage the FAA and NPS to move forward with proposed rules to resolve the ongoing controversy over tour overflights.

The ANPRM has obviously caught the attention of some in the Senate, as well. Last week, Senator Murkowski succeeded in attaching a rider to the FY 95 Transportation Appropriations bill prohibiting the FAA from expending any funds on restricting public lands overflights in Alaska. Why would the Alaska airtour industry be afraid of the rulemaking process? The Administrative Procedures Act provides a process which has been cited by the federal courts as being the hallmark of fairness. The process is designed to place facts before rhetoric, and imposes upon the federal agencies involved extensive restraints to prevent undue influence by any party. Further, if any party questions the process or final decision, the agencies' actions are fully reviewable by the courts.

While we have our own concerns about the rulemaking process, and the ability of the tour industry to marshal its substantial resources to undermine it, we believe that after decades of fighting for the effective regulation of overflights in Congress and the courts, this rulemaking provides the best opportunity yet for meaningful progress. We hope that after reviewing the comments made on the ANPRM, the FAA and NPS will move forward expeditiously with proposed rules to stop the expansion of overflights to new park units and to protect park resources by regulating overflights in those units where NPS determines they should be allowed.

The Wilderness Society also wishes to recognize the efforts of Representatives Mink and Williams to secure legislation which will protect parks from the impacts of overflights. We applaud their efforts, and believe that their leadership has helped prompt the action which is now being taken by the FAA and NPS.

In conclusion, Mr. Chairman, The Wilderness Society believes it is time to protect the natural solitude which remains in our parks and wilderness areas, and restore it where it has been lost. The nerve-shattering experiences many park and wilderness visitors have with aircraft and helicopter overflights is fueling a growing public resentment about overflights. We are optimistic



that the good faith efforts of the FAA and NPS will be able to protect park resources and help assuage public concern, and we urge the Subcommittee to join in encouraging the agencies to move forward with this long overdue rulemaking.

Thank you.

PRESENTED BY HON. JAMES SANTINI

STATEMENT

by

ELLING HALVORSON

PRESIDENT, PAPILLON GRAND CANYON AIRWAYS  
CHAIRMAN, HELICOPTER ASSOCIATION INTERNATIONAL TOUR OPERATORS COMMITTEE

BEFORE CHAIRMAN JAMES L. OBERSTAR

AVIATION SUBCOMMITTEE PUBLIC WORKS AND TRANSPORTATION COMMITTEE

JULY 27, 1994

Mr. Chairman and Members of the Committee:

Thank you for this opportunity to present the perspectives and concerns of Papillon Airways and the air tour industry.

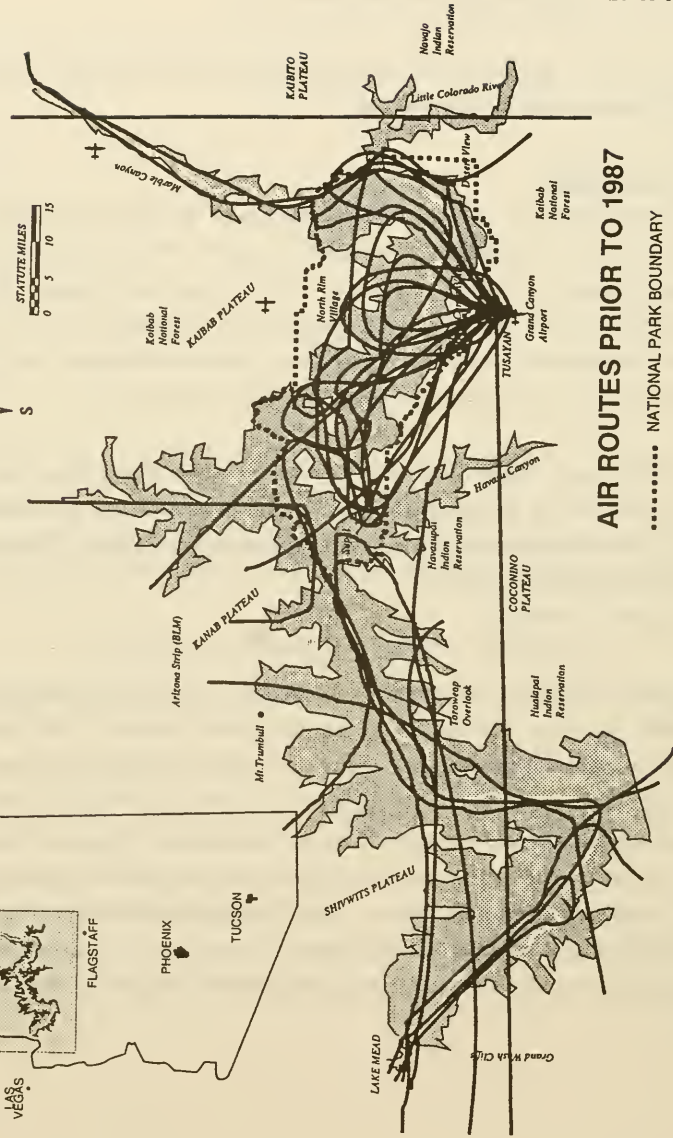
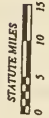
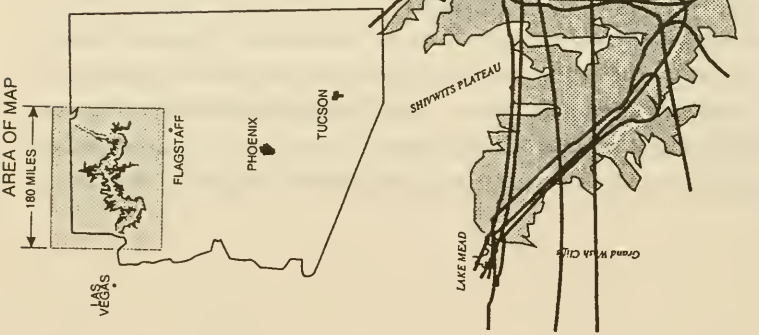
**THEN . . . . and NOW**

In 1987, when Public Law 100-91 was enacted, there **was** reason for defining routes for aircraft at the Grand Canyon National Park. Prior to that time, as illustrated by "*Map 1 - Exhibit 1*" on the following page, scenic tours of the Grand Canyon reached virtually every portion of the National Park. At that time, many members of the air touring industry, ourselves included, were not sufficiently sensitive to the impact of noise over the National Park.

*Since 1988, when Public Law 100-91 was passed, there has been a precise restructuring of aircraft tour routes that has left substantial portions of the Grand Canyon National Park free from sound of touring aircraft.* This is demonstrated by "*Map 2 - Exhibit 2*" following.

The issue of overflights is an emotional issue and you may hear statements today which say that aircraft fly by at 90-second intervals, their sound deteriorates the cliffs of the canyons, the archeological ruins, all the species of wildlife, while destroying the visitor experience at the Grand Canyon. These statements are all untrue, unfounded, purely speculative - they are theories that have no basis. **There is more damage done by one hiker straying from the trail, climbing around on Indian ruins, leaving their litter, or by one hiker's fecal waste spreading disease among the animals and introducing foreign seeds, than all the damage light aircraft will ever do to the Grand**

# GRAND CANYON



## AIR ROUTES PRIOR TO 1987

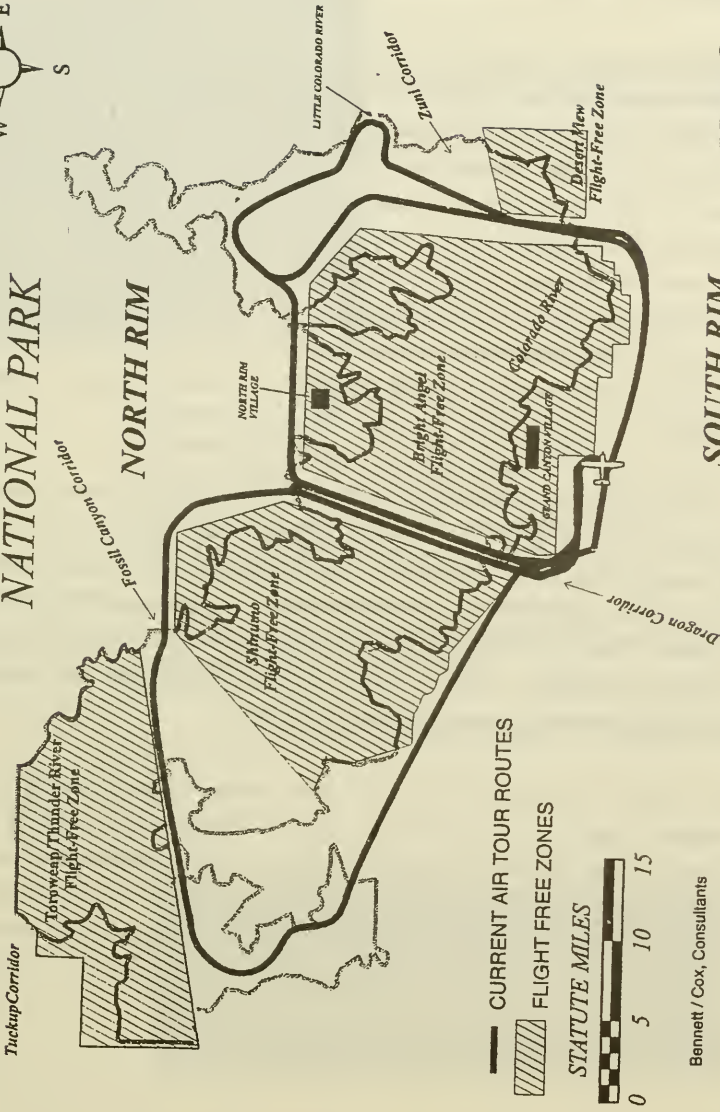
..... NATIONAL PARK BOUNDARY

Bennett / Cox, Consultants

### Map 1



# GRAND CANYON NATIONAL PARK



Map 2

SOUTH RIM

**Canyon and its inhabitants.** This issue is an emotional issue that was originally founded on good principle and has been carried to the extreme.

From 1978 through 1984, there was a total of two hundred seventy-eight (278) letters complaining about aircraft noise in the NPS file. In about 1985 the overflight issue was initiated and propagated by certain individuals within the National Park Service. During the years of 1986, 1987 and 1988, Park Service rangers at the Grand Canyon sensitized the public by including statements regarding aircraft impact in their campfire talks and other lectures. This has continued. Even today, while we are debating, an exhibit is being viewed by the unsuspecting public at the Grand Canyon National Park Visitor Center that is an anti-aircraft presentation calling attention to this issue - "*Exhibit 3*". This type of one-sided presentation is designed to incite people to emotional reaction.

In 1992/93 the National Park Service contracted with Harris, Miller, Miller and Hanson, Inc. to prepare the "Grand Canyon Visitor Survey and Acoustic Profiles and Dose Study for Grand Canyon, Haleakala and Volcanoes National Parks". **These studies were cleverly designed to produce results desired by the NPS. They collected data only at locations having a high probability of aircraft overflights. This material was then generalized and presented by the Park Service as gospel for the entire Park.**

They misled the visitors being surveyed by using leading statements, even prompting them to write letters to their Congressional delegation for a **"problem" that has been invented, prompted and magnified by the Park Service, contrary to federal law.** This has been totally prejudiced and, of course, has attracted environmental groups which are basically anti-aircraft by nature, whether the aircraft be private piloted, commercial tour aircraft or high-flying jets.

## EXHIBIT 3



This presentation is currently on display in the Grand Canyon National Park Visitor Center

July 20, 1994

*Aircraft noise represents far more than a mere annoyance. By destroying the vast and embracing quiet of park skies, it degrades our parks and diminishes the park experience. As an organization, our long-term goal is to achieve a 'substantial restoration' of the natural quiet over our parks. This was the explicit intent of Congress in 1987, when it called for overflight reductions at the Grand Canyon. Make no mistake, however, this is an extremely ambitious goal, but entirely consistent with our mission to preserve park resources unimpaired for all time.*

NPS Director, Roger Kennedy -- January 1994

**Is natural quiet important enough  
to you to consider limitations  
on noise producing activities?**

**Even using this highly-slanted data, ninety percent (90%) of respondents reported no impact from aircraft overflights.**

The Air Access Coalition (AAC) questioned the results of the NPS Survey, which was broadly distributed to the public and the press. The Coalition then hired Research Strategy Management, Inc. (RSM, Inc.) to do an evaluation of the Grand Canyon Study. It reports as follows:

- \* *"...serious flaws and biases exist in study design, sampling plans, implementations and data presentations of the National Park Service Visitor Studies."*
- \* *"...These studies are seriously flawed and cannot be used to establish policy or base recommendations that would deny air tour access to almost 800,000 visitors annually from experiencing the Grand Canyon."*
- \* *The studies are grossly misrepresentative."*
- \* *The bias in the studies is explicit."*

Attached herewith is a copy of the RSM Overview - "Attachment 1".  
Entire report available on request.

1.\*Research/Strategy/Management Inc.(R.S.M.):Lanhan,MD,Technical Evaluation of NPS Visitor Survey & Dose Response Survey, reference pgs. 16 & 17 - Issues on Aircraft Overflights of National Parks

On July 8, only three weeks ago, a member of the Air Access Coalition had occasion to be at Toroweap Overlook. Toroweap is about mid-way between Las Vegas and Grand Canyon National Park. It requires significant effort to get to the Toroweap Overlook, as it is in a very remote part of the Grand Canyon, and is accessible only by traversing many miles of dirt road. At this overlook there is a register for people to sign and make comments. There were thirty-five (35) pages of signatures and comments - eight hundred forty (840) entries - and not a single complaint, yet this is one of the locations which the National Park



Service has classified as a sound problem area. This situation is replicated at all of the so-called "sound problem" areas.

**The situation is grossly overstated. The N.P.S. is receiving only eight (8) written complaints per one million (1,000,000) visitors, even after sensitizing the public and encouraging complaints. Complaints have been reduced by ninety-two percent (92%) after SFAR 50-2. See following graph "Exhibit 2A". The air tour operators receive hundreds of letters and comments from their customers acknowledging their flight as a highlight of their lives.**

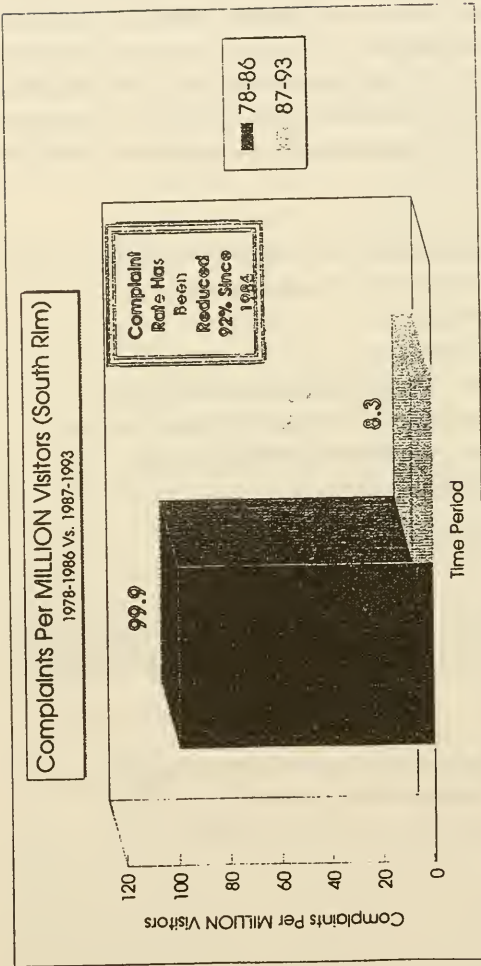
Considering the preceding background, the essence of the debate, for the purposes of this paper, centers around six (6) issues:

1. The Mink Bill - HR 1696
2. The Williams Bill - S208
3. The issue of further dividing the air space above National Parks at the discretion of the National Park Service
4. The Federal Aviation Administration (FAA) role of the future in air space and its control
5. Unfair taxing of air space (\$25.00 fee)
6. Quiet aircraft technology

**All of these issues are aviation issues that should rightfully be managed by this committee.** I will endeavor herein to give a brief position statement regarding each of these issues.

1. The Mink Bill

(a) The Mink Bill is prompted by a small, reactive group of local Hawaii residents who do not want aircraft flying over their homes, even though aircraft presently use



**FACT: From 1978 through 1986, 1 out of every 10,000 Park visitors complained about aircraft**

**FACT: From 1987 through 1993, only 1 out of every 120,000 Park visitors complained about aircraft**

**RESULT: The rate of complaints has decreased by 92%!**

stand-off distances significantly greater than minimum regulation requirements.

(b) Park Service Administration at Haleakala and Volcanoes National Park have worked closely with the Hawaii Flight Operators Association (HHOA) and have established mutually-acceptable flight plans. I include, as "Exhibit 4", a copy of a newspaper article taken from The Maui News of June 21, 1994. This article reviews some of the progress that has been made at Haleakala National Park by a cooperative effort between the Superintendent of that Park and the flight operators on Maui. Please note the highlighted comments on this newspaper article wherein the Superintendent, by his own testimony, acknowledges that the flight operators and the Park Service have and are working toward a mutually acceptable solution to his concerns. This process has also taken place at Volcanoes National Park, where the spirit of cooperation seems to be working well. The parties are currently working on developing an operating contract.

(c) The Mink Bill is a rigid document that has no flexibility for changing times, patterns, technology, etc. It is not the kind of legislation that makes for a good, lasting solution. If any legislation were introduced, it should be process legislation, including a federal advisory committee or other unbiased process, as opposed to hard and fast ruled documentation.

(d) The Mink Bill does not provide for any quiet aircraft incentives.

2. The Williams Bill - HR4263 (Concessions)

The Williams Bill proposes to make National Park concessionaires out of the air touring industry.

## Copters won't fly past crater rim, tour fliers say

By TIMOTHY HURLEY  
Staff Writer

KAHULUI -- Helicopter tour operators said Monday they will make it policy not to fly over Haleakala Crater anymore following a successful three-month trial period in which customers accepted flights to the crater's edge only.

"We've seen it work without flying over the crater," remarked David Chevalier, Maui director of the Hawaii Helicopter Operators Association.

The helicopter operators met last week with Haleakala National Park Superintendent Donald Reeser to review the three-month trial period, which ended May 31. At the meeting, the group decided to continue the informal arrangement for another three months, ending Sept. 30.

The voluntary agreement restricts flights over the crater, Kipahulu Valley and Hanawi Natural Area Reserve. Also restricted is a 2-mile radius from the Sliding Sands Trailhead.

Under the agreement, helicopters choosing to cross the park in the Waimoku Falls area had to fly at least 2,000 feet above the ground and not fly along the coast.

Following these restrictions, tour helicopters are exempted from the \$25 admission fee imposed on all commercial tours entering the park by land or air.

"Overall I am very pleased with the results of the three-month trial," Reeser declared Monday.

The park superintendent said a significant reduction of aircraft noise was observed in the crater during the trial period. Only a few written and verbal complaints were registered during the period, down from dozens recorded before, he noted.

"That doesn't mean everyone is satisfied with the situation, but I believe if the park and the helicopter tour industry work together we can achieve a condition that minimally impacts hikers yet still allows pilots to give their clients a view of the incomparable crater of Haleakala," Reeser said.

At Thursday's meeting, Reeser agreed to ease some of the flying restrictions in the Waimoku Falls area, where violations of the agreement were routinely observed.

Reeser acknowledged that a 2,000-foot flying restriction was not practical on days when there was cloud cover above the falls.

According to the new agreement, tour helicopters must cross mauka of Waimoku Falls whenever possible and are permitted to fly as low as it takes to get under any cloud layer.

If clouds are bugging the ground mauka of the falls, pilots may fly makai, staying as far upslope as possible, but may not hover or make turns solely for sight-seeing purposes.

Chevalier said there will be days when helicopters must fly over the crater due to weather conditions. It will occur, he said, when powerful downdrafts are found on one side of the crater or when clouds obscure the mountain and the crater is clear. He estimated those kinds of weather conditions will prevail 5 percent of the time.

Chevalier, owner of Blue Hawaiian Helicopters, said that while some customers are adamant about flying over the crater, they apparently are a small minority.

"I'm stoked," he said of the "surprising" trial period results. "Our customers are getting a good view, and we haven't received too many complaints."

Reeser said that although the informal agreement is fine, he still wants to pursue something "more official than a handshake." Perhaps some Federal Aviation Administration regulations would ensure that new operators will also comply with the restrictions, he said.

While this sounds good on the surface, there are many inequities and problems associated with the concept of being concessionaires.

- (a) Air tours over National Parks require no services from the park system; i.e. latrines, trails, removal of waste, roads, pipelines, water supplies, utilities, bridges, visitor centers, etc. All other concessionaire operations require some or all of these services.
- (b) Air tourists never physically touch the National Parks.
- (c) Air tours reduce the visitor physical impact of National Parks, thus eliminating the impact on the ecological systems of the Parks.
- (d) The air touring industry is a capital-intensive business which has significant costs in the development of fixed bases of operation, including long-term leases, building amortization, etc. and other costs which cannot be relocated to another place of business. No part of these facilities are physically within the National Park boundaries. Loss of concessionaire status would destroy most companies.
- (e) The air tour industry is a reasonably strong industry of fragile, small businesses that would have no certainty in a concessionaire environment.
- (f) This act would produce many new holes in airspace, which would increase the problem of traditional cross-country flight for private, business and commercial aircraft.

- (g) There are existing F.A.A. tools that can be used to resolve any problems that may exist now, or in the future.

3. Further dividing of airspace.

The National Park Service has determined that aircraft encroachment impacts one hundred thirty (130) national parks, monuments and recreation areas within the United States. If airspace control is left to the discretion of the National Park Service there will be a resultant patchwork of no-fly areas across the nation that would add to the concern and confusion of usable airspace for the private, commercial, public and military aircraft. As an industry we believe **it is important to maintain airspace regulation within a single governmental jurisdiction, the F.A.A.**

Following is a list of Parks identified as having overflight problems. You probably won't even recognize some of these Parks, but this list serves to inform you as to how unrealistic and extreme some National Park Service thinking is.

*"Exhibit 5".*

4. Federal Aviation Administration

The F.A.A. currently has the authority, the tools, and the commission to regulate flights over sensitive areas. This can be, and has been accomplished in cooperation with the National Park Service and flight operators or their associations on a case-by-case basis. My interpretation of the regulations is that it is within the purview of the

NATIONAL PARKS CONSIDERED TO HAVE OVERFLIGHT PROBLEMS EXHIBIT 5

1. Agate Fossil Beds National Monument
2. Apostle Islands National Lakeshore
3. Antietam National Monument
4. Assateague Island National Seashore
5. Badlands National Park
6. Bandelier National Monument
7. Big Bend National Park
8. Big Cypress National Preserve
9. Big Thicket National Preserve
10. Biscayne National Park
11. Black Canyon of the Gunnison National Monument
12. Bryce Canyon National Park
13. Cabrillo National Monument
14. Canyons de Chelly National Monument
15. Canaveral National Seashore
16. Cape Cod National Seashore
17. Cape Hatteras National Seashore
18. Cape Lookout National Seashore
19. Capitol Reef National Monument
20. Casa Grande National Monument
21. Castillo de San Marcos National Monument
22. Channel Islands National Park
23. Chaco Culture National Historical Park
24. Chattahoochee River National Recreation Area
25. Chesapeake & Ohio Canal National Historical Park
26. City of Rocks National Reserve
27. Colonial National Historical Park
28. Colorado National Memorial
29. Congaree Swamp National Monument
30. Coronado National Monument
31. Cowlee Dam National Recreation Area
32. Crater Lake National Park
33. Craters of the Moon National Monument
34. Cumberland Island National Seashore
35. Death Valley National Monument
36. Denali National Park and Preserve
37. Devil's Tower National Monument
38. Dry Tortugas National Park
39. El Malpais National Monument
40. Everglades National Park
41. Fire Island National Seashore
42. Fort Clatsop National Memorial
43. Fort Davis National Seashore
44. Fort Jefferson National Monument
45. Fort McHenry National Monument
46. Fort Sumter National Monument
47. Fort Union National Monument
48. Fort Vancouver National Historic Site
49. Fort Washington Park
50. Fredrick Douglass National Historical Site
51. Gates of the Arctic National Park and Preserve
52. Gateway National Recreation Area
53. George Washington Memorial Parkway
54. Gettysburg National Military Park
55. Gila Cliff Dwellings National Monument
56. Glacier National Park
57. Glacier Bay National Park and Preserve
58. Glen Canyon National Recreation Area
59. Golden Gate National Recreation Area
60. Grand Canyon National Park
61. Grand Teton National Park
62. Great Basin National Monument
63. Great Sand Dunes National Monument
64. Great Smoky Mountains National Park
65. Guadalupe Mountains National Park
66. Gulf Islands National Seashore
67. Hagerman Fossil Beds National Monument
68. Haleakala National Park
69. Hawaii Volcanoes National Park
70. Indiana Dunes National Lakeshore
71. Isle Royale National Park
72. Jean Lafitte National Historic Park and Preserve
73. Jefferson National Expansion Memorial National Historic Site
74. John Day Fossil Beds National Monument
75. Joshua Tree National Monument
76. Kalaupapa National Historical Park
77. Katmai National Park and Preserve
78. Kennesaw Mountain National Battlefield Park
79. Klondike Gold Rush National Historical Park
80. Lake Chelan National Recreation Area
81. Lake Clark National Park and Preserve
82. Lake Mead National Recreation Area
83. Lassen Volcanic National Park
84. Mammoth Cave National Park
85. Manassas National Battlefield
86. Mesa Verde National Park
87. Minute Man National Historical Park
88. Montezuma Castle National Monument
89. Mount Rainier National Park
90. Mount Rushmore National Memorial
91. Navajo National Monument
92. New River Gorge National River
93. North Cascades National Park
94. Olympic National Park
95. Organ Pipe Cactus National Monument
96. Padre Island National Seashore
97. Perry's Victory & International Peace Memorial
98. Petrified Forest National Park
99. Petroglyph National Monument
100. Pipe Spring National Monument
101. Prince William Forest Park
102. Pu'uhonua O Honunau National Historical Park
103. Puukohola Heiau National Historical Site
104. Rainbow Bridge National Monument
105. Redwood National Park
106. Richmond National Battlefield Park
107. Rocky Mountain National Park
108. Ross Lake National Recreation Area
109. Saguaro National Monument
110. Salinas Pueblo Missions National Monument
111. San Antonio Missions National Historical Park
112. San Juan Island National Historical Park
113. Sequoia-Kings Canyon National Park
114. Shenandoah National Park
115. Sleeping Bear Dunes National Lakeshore
116. Statue of Liberty National Monument
117. Tonto National Monument
118. Tuzigoot National Monument
119. Valley Forge National Historical Park
120. Virgin Islands National Park
121. Voyageurs National Park
122. White Sands National Monument
123. Whitman Missions National Historical Site
124. Wilson's Creek National Battlefield
124. Wolf Trap Farm Park
126. Wrangell-St. Elias National Park and Preserve
127. Wupatki National Monument
128. Yosemite National Park
129. Yukon-Charley Rivers National Reserve
130. Zion National Park

F.A.A. to use their **flight specifications** for each operator in such a manner as to provide reasonable protection for those on the ground while being sensitive to and providing a good tour experience for those who wish to view by air. I recommend that the F.A.A. be prompted by this committee, in whatever manner it sees fit, to work on a case-by-case basis with all parties concerned to come to a mutually satisfactory resolution in each case. It has been demonstrated in the past that this can be achieved and we would like to see the F.A.A. take a more aggressive leadership role in this respect.

5. Unfair taxing of airspace.

At the present time all flight operators either pay a tax on fuel or pay a ten percent (10%) excise tax on fares for the use of airspace facilities for navigational aids and other provided services.

The *1993 Budget Reconciliation Act* included a provision whereby tour aircraft, as well as tour buses, must pay a Twenty-Five Dollar (\$25.00) fee for entrance into certain National Parks, or airspace over those Parks. Aircraft pay a Twenty-Five Dollar (\$25.00) fee per aircraft for aircraft under twenty-five (25) passengers if they enter the airspace over Grand Canyon National Park, Haleakala National Park, Volcanoes National Park and such other parks as the Secretary of Interior may, from time to time, determine. This taxing is unfair and was introduced into the legislation by conservationist participants whose



primary purpose was to negatively impact air tours and thus make the product less saleable.

Neither the National Park Service, nor any branch of the federal government, provides any additional service to the industry for which the air industry is not presently paying. This is contrary to a bus, for which roads, sanitary facilities, rest stops, lookouts, fencing, traffic control, police service, etc. must be provided.

Furthermore, it represents a double taxation to many of the people who travel by air, because if they go into the Park and pay an entrance fee they are not credited for their air tour. This is an inequity to the air tour operators and to the citizen who flies. This is contrary to the *Presidential Order* which provides that fees shall only be charged where services are provided.

**The industry looks to this committee for support to correct this blatant inequity.**

6. Quiet aircraft technology

The aircraft manufacturing industry and several operators of aircraft in the touring business have produced and/or are working toward the achievement of quiet aircraft. There are three (3) flight touring companies who presently use or lease quiet aircraft which they have developed. These companies are Scenic Airlines, Grand Canyon Airlines and Twin Otter Leasing

Company, who manufactures the Twin Otter VistaLiner. This aircraft is sixty percent (60%) quieter than it was in its original configuration.

In the rotary wing field, *McDonnell Douglas* has produced a quiet helicopter and *American Eurocopter* is soon to market a helicopter which is quieter than their previous models. The company I represent, *Papillon Grand Canyon Helicopters*, in a joint venture with *Vertical Aviation Technology*, is developing a quiet helicopter. We hope to introduce the first very quiet helicopter into our fleet in 1995.

Our industry as a whole believes that the quiet aircraft is a long-term solution. We recognize, by the time it took for large, fixed-wing commercial aircraft to achieve Stage III sound reduction, that it will take time to develop, certify and get quiet touring aircraft into widespread use. Therefore, if quiet aircraft technology is part of the solution, a realistic time frame must be considered to allow a systematic and economically viable transition into quiet aircraft.

The technology is available to produce quiet aircraft, in terms of passive noise cancellation, rotor system designs, and active noise cancellation, which is just now becoming prominent. You may have seen recent television releases regarding active noise cancellation

devices which would replace mufflers on automobiles, reduce aircraft cabin sound, and many other applications. Currently there is research underway in active noise cancellation for substantially reducing external noises on helicopters, jet engines, etc.

If quiet aircraft technology is proposed, **it would be equitable and would speed up the process for there to be incentives for companies that make the investment into quiet aircraft technology.** These incentives could be in the form of elimination of the overflight fees as discussed in Item 5 above, tax incentives, or other incentives to encourage quiet aircraft use.

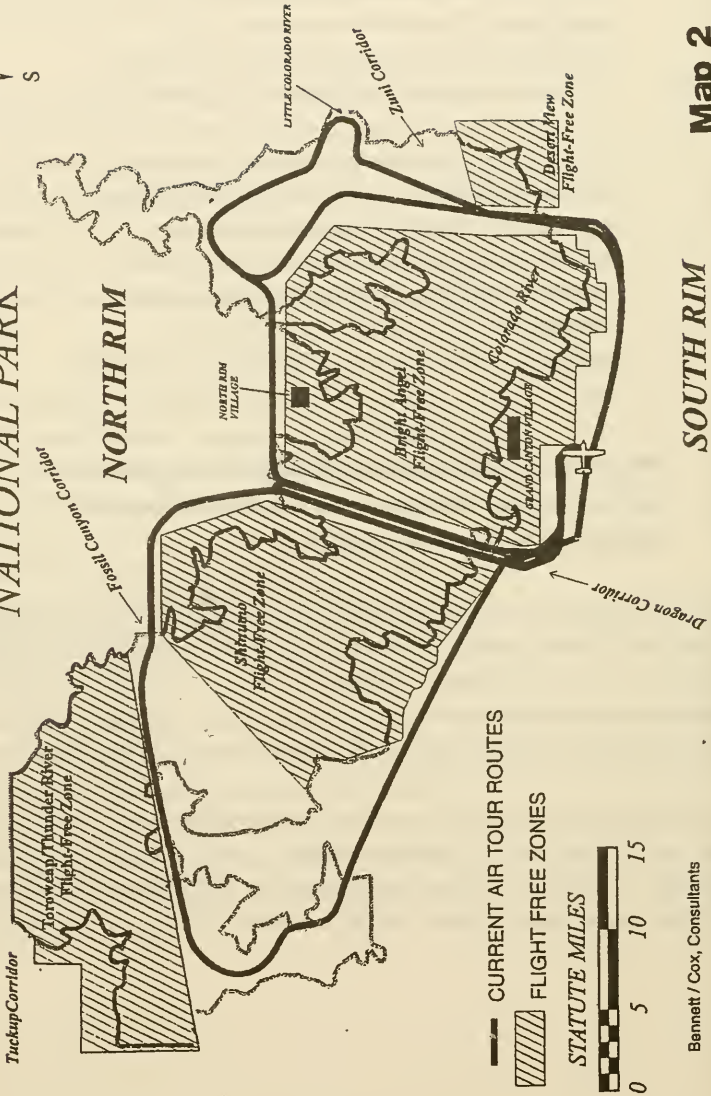
**"We are in a fast-changing technological age where we must not forfeit the opportunities of the future by careless decisions for the present."**

As indicated before, the overflight issue has been exaggerated. The issue is not urgent, the aviation industry has recommended some changes to the routes which would reduce or eliminate audibility in the area that the Park Service deems to be most sensitive at the Grand Canyon. These are simple fixes that can be initiated in the fall of 1994 without further laws or regulations.

The revised route structure for Grand Canyon SFAR 50-2, *"Map 2 - Exhibit 2"*, is the result of input from all parties concerned. This system of routes was designed in 1987/88 and is a rigidly-monitored flight standard that has virtually one hundred percent (100%) compliance by the air tour flight



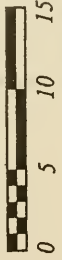
GRAND CANYON  
NATIONAL PARK



— CURRENT AIR TOUR ROUTES

▨ FLIGHT FREE ZONES

STATUTE MILES



Bennett / Cox, Consultants

NORTH RIM

SOUTH RIM

Map 2

operators. Contrary to public opinion and press that the Park Service has promoted, the SFAR 50-2 has provided significant restoration of natural quiet in the National Park. Those who are presently evaluating the restoration that has taken place were not present in the Park prior to the first reorganized flight routes that occurred in 1986 and 1987 prior to SFAR 50-2. Furthermore, the Park Service has no base line to measure improvement since there were no sound studies made prior to, or even during, 1986 or 1987 when the first changes were made in flight routes.

Papillon Grand Canyon Helicopters, in conjunction with Bell Helicopter Co., employed Bennett/Cox Consultants to take sound measurements at twenty-four (24) locations in 1988. **This sound study was made after the first corrections to flight routes were in place. We called this SFAR 50-1. Many of the changes that were incorporated into 50-1 are a part of SFAR 50-2. Therefore, the restoration of natural quiet is more significant than even exemplified by the Bennett/Cox Study.**

**As summarized in the Bennett/Cox Study, on page 9, "it is concluded that SFAR 50-2 has been effective in substantially restoring natural quiet to vast areas of the Canyon. This airspace regulation has been a successful flight management program which has met the legislative intent."** As a result of interpreting the data from the Bennett-Cox Study (summary enclosed - "Attachment 2"), it is demonstrated that in all areas except those areas where aircraft currently fly, there has been significant reduction of sound, or the total elimination of aircraft sound in large areas of the Central Canyon. **It is a fact, regardless of what anyone says to the contrary, that if you went today to any of the overlook sites, with the exception of the ends where aircraft enter the Canyon, you will not hear or see aircraft. If you transverse the Canyon on the Bright Angel - Kaibab trails, or other Central Canyon trails, you will not hear or see touring aircraft. The**

BENNETT/COX, CONSULTANTS  
Comparative Sound Study

A total of 73 identified sites, combining both measured and unmeasured, represented visitor use zones as follows: frontcountry-39, backcountry-18, corridor trail system-10 and river corridor-6. The findings are:

- Helicopters: Based on the prediction model, 71 percent of the 73 most frequented Park sites show a significant reduction in sound impact from helicopters after implementation of SFAR 50-2 (see Figure 9):

Frontcountry	24
Backcountry	13
Corridor Trail System	9
River Corridor	<u>6</u>
<b>TOTAL</b>	<b>52</b>

- Airplanes: Similarly, 78 percent of the 73 most frequented Park sites show a significant reduction in sound impact from airplanes after implementation of SFAR 50-2 (see Figure 16):

Frontcountry	30
Backcountry	12
Corridor Trail System	10
River Corridor	<u>5</u>
<b>TOTAL</b>	<b>57</b>

It is concluded that SFAR 50-2 has been effective in substantially restoring natural quiet to vast areas of the Canyon. This airspace regulation has been a successful flight management program which has met the legislative intent.

**routes were designed so that substantial restoration of natural quiet would be achieved for more than ninety percent (90%) of backcountry**

**users.** 5. \*Exec.Summ."Grand Canyon Comparative Sound Study" R.Bennett/C.Cox July 4, 1994

The rhetoric that one hears from backcountry packers is that there are no times of quiet in the Grand Canyon. That is simply not true. During all seasons of the year the early morning hours and sunset hours are a flight-free environment. Following herewith - "Exhibit 7" - is a graph that demonstrates the percentage of time that there are no aircraft in the Grand Canyon. You can see that this is highly seasonal activity and during the season of highest aircraft activity, fifty-four percent (54%) of the twenty-four (24) hour period has no flight activity. There is time for solitude during all seasons of the year and, as you see, six (6) months of the year have very little activity. These statistics are taken from Papillon records, but do reflect the activity of the industry as a whole.

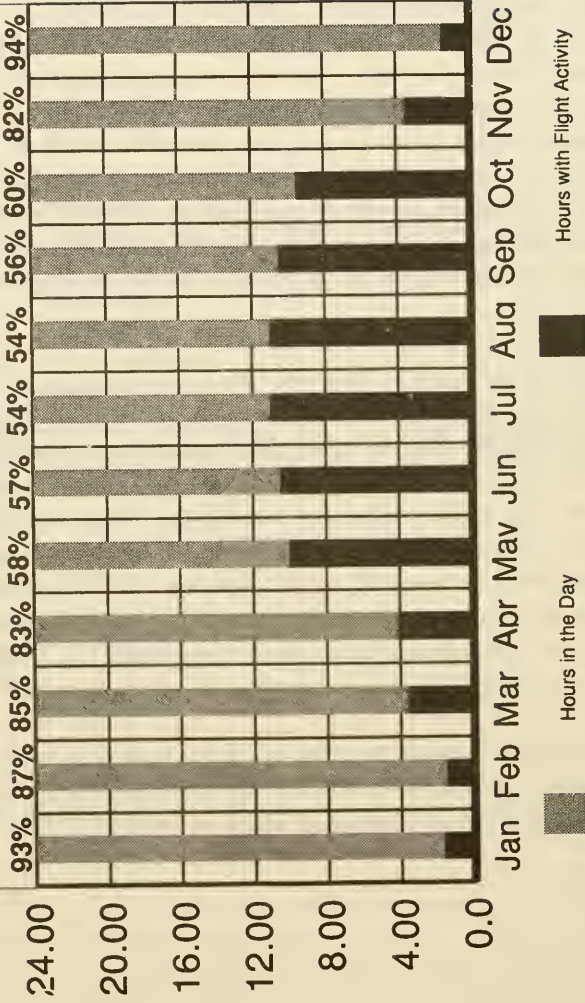
To illustrate the fact that there has been substantial restoration of natural quiet, there were only thirty-eight (38) letters of complaint in 1993, down ninety-two percent (92%) from the eight (8) year time frame prior to SFAR 50-2.

The National Park Service Visitor Survey contractor, HMMH, established a standard of acceptable number of aircraft events per day for what, in their opinion, seemed to be reasonable aircraft sightings. They categorized the visitors into six (6) different types. Please refer directly to the following chart "Exhibit 8" for this summary which again demonstrates the exaggerated concern that has been flagrantly promulgated by the adversaries to overflights.

In the Grand Canyon National Park there are sixteen hundred (1,600) miles of rim with only a few miles of Canyon viewable from approximately fifty (50) miles of road. The Canyon encompasses almost two thousand (2,000) square

# % of Day without Flight Activity

PDwFA=100-(#ACH/#ACHA)



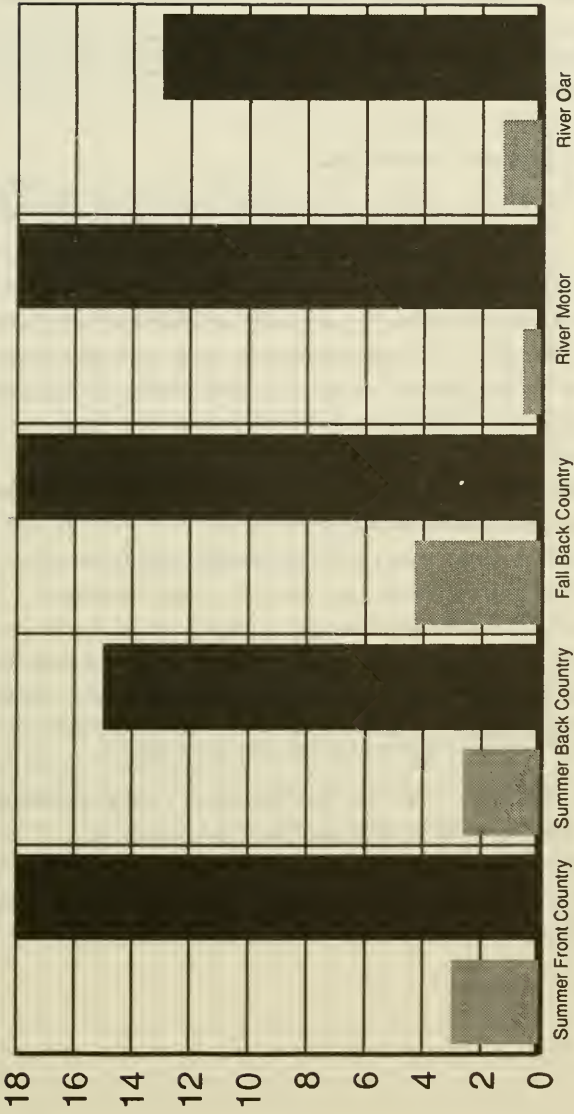
PDwFA - % of Day without Flight Activity

#ACH - Number of Hours of A/C Activity

#ACHA - Number of Hours of A/C Availability



**Number of Aircraft Events Actually Heard per Day Vs. The HMMH Standard of Acceptable Number of Aircraft Events per Day**



■ Number of Aircraft Events Actually Heard per day

■ HMMH Standard of Acceptable Number of Aircraft Events per day  
HMMH as Reported to NPS 93-5 Pg. XIII

miles surrounding two hundred seventy-seven (277) miles of the Colorado River as it flows through Northern Arizona. This distance is equivalent to the distance between Washington, DC and New York, or from the Canadian border across the combined states of New Hampshire/Vermont, Massachusetts and Connecticut.

Significant Quotes by Prominent People:

Interview published by the Grand Canyon Trust in the Colorado Plateau Advocate Vol 2 - No. 6 - Summer, 1991:

**Superintendent Jack Davis**, Grand Canyon National Park:

*"there are 1,600 miles of the canyon rim, of which less than 6, total on both rims, are intensely developed for a large number of people. I ask, what is wrong with that? I think sometimes we impose our own experience expectations on others who don't really want the same type of involvement."*

Mr. Davis further said, when asked "where do you see environmentalist's goals and Park Service goals diverging?".

*"The Park Service must manage the National Parks for the use and enjoyment of visitors - now and in the future. Sometimes I feel that the environmental groups lose sight of this side of the coin. People must realize that visitor enjoyment is also significant and that not every visitor is going to hike in the canyon and run the river; they are going to want to come and enjoy the canyon in their own way."*

7.\*Jack Davis Interview-"Colorado Plateau Advocate", Vol. 2, No. 6, Summer 1991

**Theodore Roosevelt** visited the Canyon, enjoyed it, and stressed his desire that man should not mar it but that all Americans should see it.

*"Leave it as it is. You cannot improve upon it. The ages have been at work upon it and man can only mar it. What you can do is leave it to your children, your children's children, and for all who come*

*after you, as the one great sight which every American . . . shall see."*

8. Quote-Theodore Roosevelt

I submit to you that **the only way to see the Canyon in its fullest respect, without consuming it or marring it must be by air.** I furthermore submit that everyone who speaks of the Canyon speaks of seeing it and not hearing it.

**Fife Symington, Governor of Arizona**

*"Every visitor to the Grand Canyon must be afforded the opportunity to experience the Canyon from various perspectives. Some have peered across its majestic landscape from the edge; others have ventured within. Still others have sought the Eagle's perspective and taken plane and helicopter to be inspired by the Canyon's depth and breadth."*

9. In Arizona Governor Fife Symington's July 14, 1994 letter to the FAA, page three,

**Gary Cummins, Deputy Superintendent, Grand Canyon National Park**

*"Natural quiet has been restored in some areas". "Tour operators' compliance is virtually 100%."*

10. (Las Vegas) Interview AP7-14-92

From **The National Park Service Backcountry Trip Planner:**

*"While you, the backpacker, are a small percentage of the total Park visitation, you have the greatest potential for damaging the Grand Canyon environment. Littered trails and campsites, improperly buried fecal matter, polluted water sources, denuded vegetation, fire scars, and unnecessary multiple trailing systems bear witness to the vulnerability of this desert environment.*  
(Emphasis added)

*Human Waste*

*This is the greatest problem in the Grand Canyon backcountry because human waste decomposes very slowly in the relatively sterile desert soil.* 6. Excerpt: "Backcountry Trip Planner-AHiker's Guide to Grand Canyon National Park"

THE SOLUTION:

The presentations, discussions, examples, exhibits, and debate on the benefits of preserving and showing National Parks by air compared with the destructive damage done by those on the ground could continue endlessly. The question now looming before us is: How do we put to bed the issue and resolve it to the benefit of those to follow? I recommend the following:

1. Give the F.A.A. strong, positive direction to manage the overflight issues in a reasonable and sensible manner for all parties concerned, utilizing input from the National Park Service, conservation groups, and flight operators, to establish the best possible solution in each case-by-case situation and then enforcing those decisions by utilizing the tools that they presently have; i.e. [1.] flight specifications, [2.] the ability to write contract agreements with operators, [3.] by utilizing their existing technical acoustic section to determine realistic impacts as opposed to emotional reactions.
  2. Form a *Federal Advisory Committee* or a National Level Task Force (NLTF) to supervise the overflight resolution process and deal with issues that may not be able to be managed in the ordinary course of opinion resolution by the F.A.A.
- The following is a format that might be considered:

NATIONAL LEVEL TASK FORCE (NLTF)

The NLTF supervises the overflight resolution process. It meets quarterly to review ongoing and potential problem areas. The NLTF is comprised of a balance of representatives from the aviation industry, including air tours, FAA, NPS, the department of tourism, park users and recognized, credible national organizations such as the Nature Conservancy, Sierra Club, AARP, etc. The NLTF will develop the guidelines for the TRIGGER MECHANISM and the INDEPENDENT STUDY, and will outline procedures used in the LOCAL WORKING GROUPS.

Potential problems which have been "triggered" since the last quarterly meeting are evaluated and, if so decided, are referred to an INDEPENDENT STUDY team for impartial, detailed analysis. The results of the INDEPENDENT STUDY are reported back to the NLTF which decided if additional action is necessary.

If compelled by the information in the INDEPENDENT STUDY, the NLTF will organize a local working group designed to develop an agreement to resolve the problem(s) pointed out by the INDEPENDENT STUDY.

TRIGGER MECHANISM

An objective mechanism is needed to alert the NLTF to potential problems which may exist or may be brewing in a particular park. The local park superintendent monitors the number of unsolicited complaints registered. When the ratio of complaints versus total park visitors or complaints versus visitors to a particular scenic attraction reaches a specified percentage, the superintendent informs the NLTF. The NLTF reviews the superintendent's report, interviews tour operators in the area, and takes whatever other steps are necessary to determine if an INDEPENDENT STUDY is necessary.

INDEPENDENT STUDY

An unbiased study is necessary when the NLTF determines that a potential problem exists at a particular park. The NLTF will approve an inventory of survey companies which may be called upon when necessary. For national consistency, the methodology they use will be pre-determined by the NLTF.

LOCAL WORKING GROUP

If the study shows that a problem exists, the NLTF will organize a LOCAL WORKING GROUP to address the problem. The group will consist of a balance of local representatives from the aviation industry, the FAA, departments of tourism or visitor's bureaus, the NPS, park users, and recognized, credible local and national organizations such as the Nature Conservancy, Sierra Club, AARP, etc.

Using the procedural guidelines set forth by the NLTF, the group will develop a working agreement for the interactive use of the park by the various user groups. This is a give and take situation and a high degree of consensus, according to the criteria set forth by the NLTF, is required for acceptance. Once such a consensus is reached, the agreement is returned to the NLTF for final review. If approved, the agreement will take effect after a period for education and training of the applicable parties.

Though the WORKING GROUP will be limited to a reasonable number of "voting" participants, as determined by the NLTF, it will be conducted in a manner which allows for as big an audience of interested parties as possible. The audience members will not be directly participating in the discussions or negotiations of the GROUP, but they will be able to observe the workings and convey their thoughts to their respective representatives in the GROUP during breaks or between sessions.

#### BINDING NEGOTIATION

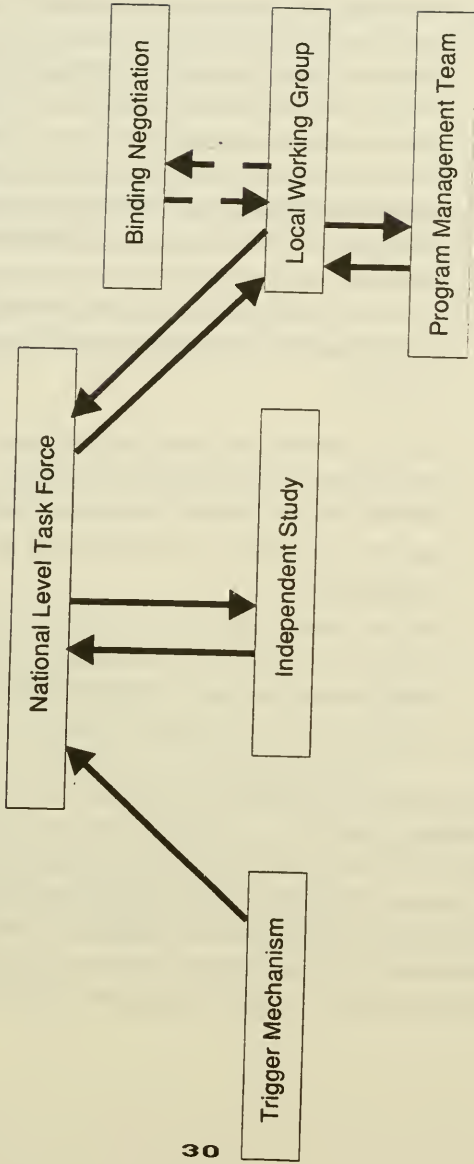
Should the LOCAL WORKING GROUP be unable to reach a consensus, their work to that point will be forwarded to a pre-determined BINDING NEGOTIATION team which will review the situation, interview the parties involved and, using guidelines developed by the NLTF, will produce a working agreement for the park in question. The resultant agreement will have the full force and effect as if developed by the LOCAL WORKING GROUP.

#### PROGRAM MANAGEMENT TEAM

A team made up of a representative of the aircraft industry, the FAA, and the NPS will monitor effectiveness of and compliance with the agreement. Methods of monitoring and penalties for violations would be outlined in the agreement. Initially it is recommended that compliance be maintained on a voluntary basis, for a period of three months, to determine if that will be sufficient. Because the industry is involved in the development process, they are likely to want the program to succeed.

If the voluntary arrangement is deemed by the PROGRAM MANAGEMENT TEAM to be unsatisfactory at the end of the three month period, a report from the PROGRAM MANAGEMENT TEAM summarizing the problems will be sent to the LOCAL WORKING GROUP. If the LOCAL WORKING GROUP determines that non-compliance is due to deficiencies in the program, it will make revisions and return the program to the PROGRAM MANAGEMENT TEAM for another three month period. If non-compliance is due to the irresponsibility of operators, the guidelines within the working agreement will be incorporated into the Operating Specifications of the operators and thereafter managed by the FAA.

# National Park Overflight Resolution Process



3. Recommend against passage of the Mink Bill (Hawaiian Restrictions).
4. Recommend against passage of the Williams Bill (Concessionaire).
5. Maintain the position of open airspace so as to not create a patchwork of no-fly zones across the United States.
6. We request that you understand and support **repeal** of the unfair taxation of airspace over National Parks that was passed in the 1993 Budget Reconciliation Act.
7. Support and encourage quiet aircraft technology by initiating incentives toward use of this technology in terms of tax relief or other such incentives as may seem reasonable.

**The Park Service's own study of quiet aircraft demonstrates that quiet aircraft can work in harmony with the National Park Service's long-term objective and provide substantially larger portions of natural quiet.**

This is an exciting side of the issue and over the next ten to twenty (10-20) years I am confident we will have aircraft available that produce very little sound and will be able to be detected only short distances from the source.

It is very selfish for those groups of people who cost the most to manage, require services, who create destruction, who are the most vocal and antagonistic, who are the most uncompromising, and whose fecal matter is spread throughout our Parks, to even suggest that their use is of higher priority than those who wish to see the Canyon in its full splendor from an aircraft that leaves no impact except a momentary footprint of sound. Like a footprint on the seashore - it is gone with the next wave. It is more selfish that

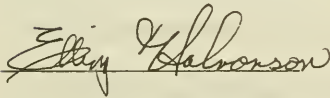


they would deny future generations the opportunity to see the National Parks this way - from very quiet aircraft under development - while they are enjoying, in each case, their small perspective of the Canyon.

The Park Service blows back and forth like sand in the desert. Their current trend is fewer visitors; eliminating structures; eliminating vehicles and parking, eliminating food services; higher fees, etc. This is the present whim of the Park Service. These whims change with the winds. This is the same Park Service that let Yellowstone National Park burn. Their recommendations and decisions are not always right. Their focus often comes from a narrow point of view and should be recognized and evaluated from that perspective.

Thank you,

Elling Halvorson



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2. \* BBN Report 1971 U.S. Dept. of Interior Contract No. CX-2000-9-0026-Work Order 28
3. \*National Level Task Force
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5. \*Exec. Summ. "GrandCanyonComparativeSoundStudy" R. Bennett/C. Cox July 4, 1994
6. \*Backcountry Trip Planner-A Hiker's Guide to Grand Canyon National Park
7. \*Jack Davis Interview-"Colorado Plateau Advocate", Vol. 2, No. 6, Summer 1991
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# ADDITIONAL FACTS

*Flightseeing - a tradition for seventy (70) years*

## ECONOMICS:

Directly employs over twelve hundred (1,200) people, indirectly four thousand (4,000)

Economic impact - approximately Two Hundred Fifty Million Dollars (\$250,000,000) annually

All operators are small businesses

Approximately eight hundred thousand (800,000) people take air tours annually

Approximately sixty percent (60%) of the flight visitors are foreign, resulting in a significant positive foreign balance of trade

## WHY PEOPLE FLY:

Visitors come to the Grand Canyon to see it - not to hear it

Approximately thirty percent (30%) (240,000 people) are fifty (50) years and older

Approximately twelve percent (12%) are handicapped (106,000 people)

Twenty percent (20%) of air tour passengers choose sightseeing by air because of other health limitations

Air tours provide access to Canyon areas that most tourists can only see by air

Tourists have limited available time and want to see the Canyon from the spectacular airborne perspective

**SUBSTANTIAL RESTORATION OF NATURAL QUIET:**

Substantial restoration of natural quiet has been achieved in significantly large areas of the Grand Canyon.

Prior to new air routes there were one hundred (100) written complaints per million visitors.

Today there are only eight (8) complaints per million visitors.

Conclusion: Complaints have been reduced by ninety-two percent (92%).

**PRESERVATION OF NATURAL RESOURCES & THE ENVIRONMENT:**

**Tour aircraft:**

Leave no waste or trash

Make no trails and do not cause erosion or other damage

Allow more people to see the Park without over-crowding or over-use of Park facilities

Eighty-six percent (86%) of the Grand Canyon National Park is flight-free from tour aircraft.

Air tours are tightly controlled by the F.A.A.

No other mode of visitor use is as environmentally friendly.



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*Research/Strategy/Management*

**MAKING A MOUNTAIN OUT OF A CANYON: EXAGGERATING  
THE GRAND CANYON VISITOR SURVEY AND DOSE-RESPONSE STUDY**

A Preliminary Evaluation  
of the "Grand Canyon Visitor Study"  
and the "Acoustic Profiles and Dose-Response Study  
for Grand Canyon, Haleakala and Hawaii Volcanoes National Parks"

Prepared by

Dr. Ronald H. Hinckley  
Dr. Vincent J. Breglio

for

AIR ACCESS COALITION

March 4, 1994

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Research/Strategy/Management Inc.

## TABLE OF CONTENTS

	<u>Page</u>
OVERVIEW . . . . .	i
EVALUATION TEAM. . . . .	ii
INTRODUCTION . . . . .	1
VISITOR SURVEY AND DOSE-RESPONSE STUDY AUTHORS' CAUTIONS . . . . .	2
FLAWS IN STUDY DESIGNS . . . . .	3
SAMPLE PROBLEMS. . . . .	6
DIFFICULTIES WITH RESULT PRESENTATIONS . . . . .	10
CONCLUSION . . . . .	15

Research/Strategy/Management Inc.

#### OVERVIEW

An examination of the "Grand Canyon Visitor Survey" and the "Acoustic Profiles and Dose-Response Study for Grand Canyon, Haleakala and Hawaii Volcanoes National Parks" finds serious flaws and biases in the study designs, sampling plans, sample implementations, and data presentations. Neither provide certain and convincing data for analyzing the effectiveness of SFAR 50-2.

The study investigators admit that their study designs are limited and the findings cannot be generalized to all Grand Canyon visitors or the park as a whole. Because of this, the visitor survey fails to meet its first objective: "to determine the percentage of visitors who were exposed to aircraft sounds."

The bias in the studies is explicit--select the noisiest places with the most people. Most of the NPS areas selected for the visitor survey were chosen on the basis of large aircraft exposure and expected great visitor response rates. The dose-response study planned for data collection only at locations having a high probability of aircraft overflights during high visitor periods. There were virtually no measurement of exposure to aircraft overflights or interviews of visitors at sites where either overflights or visitors were infrequent.

Insufficient information is provided on the samples for the two studies. What information exists suggests that the dose-response study suffers from woefully inadequate sample sizes for all Grand Canyon interview sites. Even less information is available for the visitor survey, but the investigators acknowledge that the design effects are huge. These effects forcefully reduce the size of the sample for the various visitor groups to insignificance. No one should make serious policy decisions based on such samples.

The data presented in the studies and the manner in which they are presented tend to exaggerate the impact of aircraft on park visitors. First, not all results have been made available, suggesting that some might exist which would show aircraft impact to be minimal. Second, what findings are available are presented in an uncommon manner. For example, a "visit" is the same unit of analysis for each visitor even though the average time of visit varies from five hours to 11 days for the five visitor types. Standardizing the data for time spent in the park reverses some of the findings. Scales are used in a manner that magnify the impact of aircraft on visitors. The graphs for the dose-response study have inconsistent scales, again exaggerating the impression of great aircraft impact.

Until complete disclosure of the studies' methodologies, data, and findings are released for independent analysis, the NPS and FAA should avoid definitive conclusions based on these studies, which the contractors themselves acknowledge have limited utility. It is impossible from either of these studies to be used to suggest or support any significant refinements or improvements to SFAR 50-2.



**STATEMENT OF FRANK L. JENSEN, JR., PRESIDENT**

**HELICOPTER ASSOCIATION INTERNATIONAL**

**HEARING ON**

**LEGISLATION AND REGULATIONS AFFECTING SCENIC  
OVERFLIGHTS ABOVE NATIONAL PARKS**

**BEFORE THE**

**HOUSE PUBLIC WORKS AND  
TRANSPORTATION COMMITTEE**

**SUBCOMMITTEE ON AVIATION**

**JULY 27, 1994**

**1635 Prince Street  
Alexandria, VA 22314  
(703) 683-4646  
FAX (703) 683-4745**

July 27, 1994

Statement of  
 Frank L. Jensen, Jr., President  
 Helicopter Association International  
 before the House Public Works and Transportation Committee,  
 Subcommittee on Aviation  
 on

**LEGISLATION AND REGULATIONS AFFECTING SCENIC  
 OVERFLIGHTS ABOVE NATIONAL PARKS**

The Helicopter Association International (HAI) is the professional trade association of the civilian helicopter industry. The HAI represents more than 1,300 member organizations, which operate, manufacture or otherwise support civil helicopters. HAI's members operate 4,000 rotorcraft, safely flying more than 2,000,000 hours each year. HAI is dedicated to the advancement of the civil helicopter industry.

Over 200 of HAI's members operate aerial tours. Many of these members, especially in the State of Hawaii, Nevada and Arizona have operations that are almost entirely devoted to aerial tours.

These aerial tour companies are small businesses that promote local economies and serve as an environmentally sound alternative to ground visitation. The areas in which they operate benefit from millions of tourist dollars and the direct employment of thousands of individuals. This great economic benefit comes at little or no environmental cost, as air tours offer the most environmentally friendly way to see the national parks.

HAI believes that people have the right to enjoy their national parks as they desire when accessed in a responsible and controlled manner. Often, the individuals taking advantage of sightseeing flights are senior citizens, handicapped individuals, families, or other persons who lack the physical stamina or time to walk through the park. The air tour option must remain open to citizens that have few alternatives when it comes to viewing the wonders of our national parks.

In Grand Canyon National Park the 800,000 annual aerial tour visitors are represented as follows:

- 240,000 (30%) passengers are fifty (50) years and older
- 106,000 (12%) passengers are handicapped
- 480,000 (60%) passengers are from foreign countries



When taken in the aggregate, aerial tours throughout the country transport over 3 million passengers annually, in a safe and environmentally friendly mode of transit.

In addition, the air tour industry has, for years, met Secretary Babbitt's vision of mass transit of visitors from outside park boundaries. Every air tour operation is based and operates from outside park boundaries. Every helicopter that enters the park airspace accounts for a reduction of two to four ground-based vehicles. Aerial tours are part of the solution to park overcrowding, especially at some of the more highly visited, spectacular sections of the park.

Air tours help alleviate pressures on Park infrastructure, and they require no Park personnel supervision. An influx of ground visitors to the park, because of eliminated or severely restricted aerial tours, could damage park structures, create motor traffic congestion in the parks, go beyond the capacity of park facilities and require more park personnel. All of that translates to degradation of our national parks and more tax dollars being spent on park preservation when such expenses could easily be avoided.

HAI believes that educating visitors about environmental concerns is part of the answer. The air tour industry in Grand Canyon, Hawaii Volcanoes and Haleakala National Parks currently pay a \$25 overflight fee as authorized in the Omnibus Reconciliation Act of 1993. The funds which are allocated to the general fund, could be used more appropriately in developing the educational material on park overflights which would include the positive aspects of air tours as an environmentally friendly alternative.

Posting maps that have flight route overlays on them, provided at visitor information centers, could alert people to the areas that are subject to potential aircraft sound. Further, visitors should be informed of ways they might identify aircraft that are flown in the area, to avoid confusion between air tours and other types of overflights. A standardized incident reporting procedure would be helpful in distinguishing between air tour operators flying in a neighborly fashion and other types of aircraft overflights that have a higher impact on ground visitors. With more precise information administrators would be able to make educated decisions concerning future regulatory action.

Too often the air tour industry has been blamed for unfriendly flying because the ground-based visitors assumed an offending flight was a tour aircraft, when in actuality it was a flight conducted for Park Service, or other governmental purposes such as research, military missions or drug interdiction. In dealing with the many types of aircraft overflights in national parks, there should be distinguishing marks on the underside of the aircraft that separate park work flights, military flights, research flights, film crew flights etc., from tour flights.

## LEGISLATIVE EFFORTS:

In addition to the regulatory procedures that are ongoing between the Federal Aviation Administration (FAA) and the National Park Service (NPS) through the interagency working group on overflights of the national parks, there are two specific bills that are a concern to HAI and its member companies; H.R. 1696, introduced by Congresswoman Patsy Mink (D-HI) and Congressman Pat Williams bill (D-MT), H.R. 4163.

### Congresswoman Patsy Mink's Bill H.R. 1696--Specific to Hawaii

First, Congresswoman Patsy Mink's bill would "provide for the regulation of the airspace over National Park System lands in the State of Hawaii by the Federal Aviation Administration and the National Park Service, and for other purposes." Mr. Chairman, H.R. 1696 errs on the following three points:

#### *Explicit Bias*

Unfortunately the bias against aerial tour operations within this legislation is clear. For example, "*Commercial fixed-wing aircraft which are not on scenic tours may overfly Kaloko Honokohau when it is unsafe to use alternative approaches to Keahole Airport. Furthermore, inasmuch as those areas are small and are entirely primary visitor use areas, scenic tour aircraft shall maintain a 2-mile standoff distance.*"

#### *Blanket Altitudes--Ill Conceived "Solution"*

Further H.R. 1696 proposes a blanket 2,000 ft. AGL altitude restriction over many areas of the State of Hawaii. Unfortunately, such action could potentially increase the temporary sound footprint. Blanket altitude restrictions do not take into account geographic structures that often times can mask/absorb sound at the proper altitudes. For instance, flying at 500 ft. behind a canyon wall, under the correct circumstances, will have less of a sound impact than flying 2,000 ft. above a particular area. One option is for sound studies to be undertaken by tour company aircraft with DOI/NPS assistance in determining probable acoustic benefits by "shadowing" aircraft sound behind topographic features.

#### *Unnecessarily Heavy-Handed*

Congresswoman Mink also proposes to make personnel available from the NPS to meet quarterly with the FAA and affected pilots to discuss resource management objectives and issues associated with low-flying aircraft. HAI does not reject the

notion that all parties involved should meet on a regular basis. But there is no need to legislate these actions. In fact, in Hawaii there has been an ongoing dialogue between operators and the Park Service for many years.

Mr. Chairman, HAI believes that voluntary agreements between affected parties is the preferred method of control. The Hawaiian aerial tour operators in conjunction with the FAA and NPS have drafted voluntary routes that each tour operator would follow. However, the agreement has become mired in and superseded by the present advance notice of proposed rulemaking (ANPRM) process. The voluntary agreement, which involves the use of primary, secondary, and tertiary routes has been tentatively agreed to by all parties involved. All concerned parties need to work out the problems inherent in new agreements and must understand that 100 percent immediate compliance is extremely difficult to achieve. It is time to allow this process to move ahead. Waiting for the NPS Report to Congress to be finalized and the lengthy ANPRM/NPRM process and its subsequent recommendations, before signing the agreement, is ill-advised and creates an unnecessary bottleneck to a proactive, effective method of managing the air tour industry.

Additionally, in the State of Hawaii the Noise/Nuisance Abatement Performance Evaluation System (NAPES) is being tested and developed to track aerial tours. The system registers the aircraft's identification, flight path, and altitude along a particular route, and this information is transmitted through the use of GPS, and subsequently stored on a computer for a certain length of time. Currently the tour operators have agreed to a 72 hour period in which data is saved for later retrieval. This length of time would allow those who were in remote areas ample time to file a complaint on a suspect aircraft. If a complaint is filed, that particular aircraft track can be saved indefinitely.

Certain environmental groups have criticized the 72 hour period and characterized it as a deliberate destruction of evidence. Yet throughout aviation similar data gathering and subsequent erasures are part of normal operations. For instance, flight data recorders typically record over old data several times throughout a single flight. Likewise, Air Traffic Control tapes are not kept on file longer than 15 days.

Mr. Chairman, the voluntary agreements that have been worked out by the Hawaiian air tour operators and Federal officials and the introduction of the NAPES system are indicative of an industry willing and accustomed to compromise.

**Congressman Pat Williams (D-MT) H.R. 4163**

H.R. 4163, submitted by Congressman Pat Williams, is an attempt to legislate the air tour industry by requiring aerial tours to be under a concession agreement with the National Park Service. The Park Service would then be regulating the airspace above the park, as well as taking on other duties now performed by the FAA. A concessionaire policy is NOT going to solve the perceived noise problems at national parks. This idea poses potential safety problems, as an agency that has no history of regulation of airspace would have authority to make aviation decisions for which they have no training. It also challenges and contaminates the FAA's sole authority of oversight and its ability to regulate airspace and promote the aviation industry. HAI is steadfastly opposed to this provision.

In a press release by Congressman Williams he states that "the noise and disruption from commercial overflights threatens to become the number one complaint among many park visitors." Without a doubt, even the National Park Service would disagree with such a statement. According to the Park Service's own numbers, in the Grand Canyon the number of complaints lodged against aviation overflights is infinitesimal. Only eight complaints per million visitors were lodged since the implementation of Public Law 100-91, which, in effect, isolated aircraft into one mile wide corridors away from the most popular trails and the front country areas.

If the air tour operators were to come under concessionaire agreements the FAA would permit a niche market of the aviation industry to operate as a monopoly outside of each national park. The concessionaire agreements would not allow competitive pricing or free entry or exit to the market without a contract. Further, any concession agreement would make capital investment planning nearly impossible, which would affect the aviation industry as a whole, not just tour operators. The FAA must uphold its responsibility to air commerce by opposing the creation of monopolies which would destroy the economic feasibility of the air tour industry.

Further, H.R. 4163 makes the assumption that the air tour visitor enters the park and should be considered a visitor in the traditional sense. According to the National Park Service Statistical Abstract for 1993, technically, the person that takes an air tour is not a visitor of the park (See Enclosure #1). The flights originate and end outside the park boundaries, meaning they never directly impact the park below. The sightseeing tour allows the viewer to look at the most beautiful of the wonders that our national parks have to offer, without ever touching, consuming or destroying any of its natural resources.

### Potential Use of Quiet Aircraft Technology

HAI recognizes the existence of certain quiet technology helicopter advancements. At least one aircraft manufacturer has certificated equipment which is considered "quiet aircraft technology", and all other commercial helicopter manufacturers are pursuing the latest advancements in such technology. HAI supports all initiatives that seek to expand the use by manufacturers and operators of quieter aircraft technology.

The recent amendment to the FAA reauthorization bill introduced by Senator McCain (R-AZ) to establish a research program on the development and utilization of quiet aircraft technology, is supported by HAI (See Enclosure #2). This program would attempt to "determine the status of research and development now underway in the area of quiet technology for *propeller driven aircraft and rotorcraft*, including technology that is *cost beneficial*, and to determine whether a research program to supplement existing research activities is necessary." This amendment would encourage the participation of DOD, DOI, the air tour industry, the aviation industry, academia, and other appropriate groups.

HAI believes that economic incentives to encourage the purchase of quiet aircraft and retrofit of existing aircraft are essential to making the acquisition of this technology possible. Federal investment tax credits, excise tax reduction, overflight fee abatement, and federally funded loan programs should be considered as true economic incentives for operators that would utilize quiet technology.

While quiet aircraft technology currently exists, the HAI believes it would be unrealistic to expect all operators to modify their fleets immediately to employ such technology were it mandated.

The major airline's transition from Stage I-III aircraft was an evolutionary process which has required many years to implement. Similarly, helicopter tour operators should be afforded an adequate time table to adopt the technology. By all means the use of current quiet aircraft technology, and future quiet designs, should be encouraged with the economic incentives, as mentioned above, as a catalyst.

### GENERAL ANALYSIS OF PAST REGULATORY MEASURES

Mr. Chairman the attempt here is not to resort to inflammatory rhetoric on behalf of the air tour operators. Genuinely, the safety and long term viability of the industry are threatened. A reference to the National Parks Conservation Association (NPCA) illustrates our point:

"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."

### Issues Regarding Safety

The aviation industry is one of the most heavily regulated industries in the United States. The FAA strictly regulates all private sector aviation activities, including air tour operations. An analysis of government air tour regulations shows that, from the passage into law of P.L. 100-91 in 1987, to the consideration of legislation such as H.R.4163 and H.R.1696 in the 103rd Congress, the FAA has continued to lose its authority over the airspace of the United States. A case in point is the unfortunate accident that occurred over Grand Canyon between a fixed wing aircraft and a helicopter. The National Transportation Safety Board concluded that "contributing to the accident was the failure of the Federal Aviation Administration to exercise its oversight responsibility over flight operations in the Grand Canyon airspace and the actions of the National Park Service to influence the selection of routes by Grand Canyon Scenic air tour operators."(See table #1). Legislation which attempts to grant jurisdiction, at any level, to the NPS would continue to compromise safety.

It is unfortunate that certain environmental groups have the misguided notion that agencies such as the DOI have the expertise to manage airspace and regulate air commerce. To illustrate this point the NPCA has stated that:

**"The Secretary of the Interior holds the primary responsibility for enforcing the Airborne Hunting Act on national park lands; the Act makes clear that agencies other than FAA have the responsibility to regulate air commerce."**

This statement is surely an aberration to the FAA. Subsection 307(c) of the FAA Act provides that FAA air traffic rules and flight regulations may be adopted "for the protection of persons and property on the ground." The FAA considers this protection to extend to environmental values on the surface as well as to the safety of persons and property. The FAA's role in the protection of wildlife is clear.

However, in the final analysis, who controls the airspace is not really an issue with these groups. It is the prime objective of environmental groups to exclude aerial tours from our national parks.

HAI also believes that regulatory actions should not deter emergency air missions, such as fire suppression or emergency rescue service. These aircraft need to operate in the most effective manner possible and cannot be held to specific flight routes, altitudes or other restrictions. The recent incident in Santa Fe National Forest is exemplary (See Enclosure #3).

As the article states, a young Boy Scout was left alone in the wilderness for an additional 24 hours after being spotted by a police helicopter because the "wilderness area" barred the use of mechanized vehicles. When the helicopter sighted the boy in a clearing the pilots requested permission to land; the response from the Forest Service was "request denied". Astonished, the crew had to wait an additional 24 hours for clearance. These sort of restrictions which are done for "environmental" reasons severely compromise the safety of those in the air, and in this case, on the ground.

1986--The Administration opposes H.R. 4430 because it would have confused regulatory authority over airspace by granting the DOI primary authority for developing air traffic restrictions at the Grand Canyon National Park.

1987--The NTSB faults the NPS for influencing the selection of air tour routes which led to the **only** fatal accident in Grand Canyon National Park history involving a helicopter. FAA fails to exercise oversight responsibility.

1987--P.L. 100-91 is passed, requiring the FAA to review the DOI's recommendations for legislative and regulatory changes, and is only given authority to comment on their impact on the safety of aircraft operations. The FAA's equally important role in the promotion of air commerce is lost.

1988--NPRM 88-3 proposes that the FAA only be permittee to review the safety of DOI recommendations.

1993--Representative Mink (D-HI) introduces H.R. 1696.

1994--Representative Williams (D-MT) introduces H.R. 4163.

**Table 1: Abdication of FAA Authority Over Airspace**

## CONCLUSION:

Regulations used at Grand Canyon and Hawaii National Parks should not be models for national regulations. The volume of flights at these parks is not comparable to other parks. The FAA and the NPS have spent significant amounts of time, money and human resources in attempts to implement such flight restrictions. The implementation of SFAR's at smaller parks or parks with considerably fewer flights is not a realistic option. For instance, in many parks, such as Glacier National Park in Montana, the aerial tour season lasts only a few months out of each year.

To be successful, a regulatory process must involve input from private sector

operators and aerial tour visitors as well as FAA and NPS. The air tour operators have always shown that they are willing to negotiate voluntary agreements such as the one reached between park officials and tour operators in Hawaii. However, voluntary measures are often overlooked and forced onto the "back burner" when regulations and restrictions are proposed summarily, without allowing any time to judge their effectiveness.

The air tour industry has always been in a position of advocacy. After the SFAR was implemented over the Grand Canyon National Park, air tour operators gave up access to the vast majority of the park, and reduced their operations to just 16% of the Canyon. Now environmental groups such as the Grand Canyon Trust are asking for restrictions to "flight corridors to less than 10 percent of Grand Canyon National Park." It is obvious that those groups that do not call for an outright ban on overflights are asking for a slow process of exclusion of overflights to occur.

Mr. Chairman throughout any legislative and/or regulatory process that deals with the issue of national park overflights, HAI respectfully makes the following recommendations:

- 1) The FAA must maintain its sole jurisdiction over airspace throughout all areas of the U.S.
- 2) National Parks that have tour overflights should provide educational material to park visitors regarding aircraft overflights.
- 3) Any program to require operators to utilize quiet aircraft technology should be incentivised.
- 4) The Noise Nuisance Abatement Performance Evaluation System (NAPES) be should implemented in the State of Hawaii.

Thank you for the opportunity to comment on behalf of this very important segment of the aviation industry.



# NATIONAL PARK SERVICE STATISTICAL ABSTRACT

1993

Socio-Economic Studies  
National Park Service  
United States Department of the Interior

## DEFINITIONS

**NATIONAL PARK SERVICE (NPS).** A Department of the Interior (DOI) agency which administers approximately two dozen types of Federal land, nationally significant for their scenic, natural, scientific, historical, or archeological interest (see CLASSIFICATION). The agency was established as a Bureau of the DOI by Act of Congress, August 25, 1916. The NPS does not administer National Forests (United States Department of Agriculture/Forest Service), Wildlife Refuges (United States Department of Interior/Fish and Wildlife Service), or a variety of other lands available for public use.

**NEGLECTIBLE TRAFFIC.** A brief, incidental entry into a park by passing traffic (vehicular or pedestrian) using NPS administered grounds, roads, or walkways (See NONREPORTABLE VISITS).

**NONRECREATION OVERNIGHT STAYS.** Reportable nonrecreation overnight stays include lease holders, lina shacks for teachers, and government personnel (other than NPS employees).

**NONRECREATION VISITS.** Reportable nonrecreation visits include through traffic, persons going to and from inholdings, trades-people with business in the park, and government personnel (other than NPS employees) with business in the park.

**NONREPORTABLE VISITS.** The entry into the park by NPS employees, their families, concessioner employees, members of cooperating associations, NPS contractors, and service personnel.

**COYLING AREA PARK.** See Category.

**OVERNIGHT STAY.** One night within a park by a visitor.

**RECREATION VEHICLE.** Any enclosed vehicle used for camping which is more elaborate than a simple truck or car, such as pickup truck with camper body, pop-up tent trailer, travel trailer, bus, motor coach, mobile home, etc..

**RECREATION VISITS.** Entries of persons onto lands or waters administered by the NPS for recreation purposes. REGION. A NPS administrative subdivision. The ten NPS regions include the following states:

Alaska (AKR) - Alaska  
 Mid-Atlantic (MAR) - Delaware, part of Maryland, Pennsylvania, part of Virginia, West Virginia  
 Midwest (MWR) - Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin  
 National Capital (NCR) - Washington, DC, part of Maryland, part of Virginia  
 North Atlantic (NAR) - Connecticut, Massachusetts, Maine, New Hampshire, New Jersey, New York, Rhode Island, Vermont  
 Pacific Northwest (PWR) - Idaho, Oregon, Washington

## DEFINITIONS

Rocky Mountain (NMR) - part of Arizona, Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming  
 Southeast (SER) - Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South  
 Carolina, Tennessee, Virginia Island  
 Southwest (SWR) - Arkansas, part of Arizona, Louisiana, New Mexico, Oklahoma, Texas  
 Westars (WR) - part of Arizona, California, Guam, Hawaii, Nevada

REMOTE AREA PARK. See Category.

RURAL AREA PARK. See Category.

SERVICE PERSONNEL. Nonreportable visits include visits by employees of the NPS who are assigned to the park or are visiting the park in connection with their duty assignments, NPS contractors, concessionaires, cooperating associations, and the temporary or permanent members in the households of NPS employees resident in the park.

SUBURBAN AREA PARK. See Category.

URBAN AREA PARK. See Category.

VISIT. The entry of any person, except NPS personnel, onto lands or waters administered by the NPS. Visits may occur as recreation visits or nonrecreation visits. Same day reentries, negligible transits, and entries to detached portions of the same park on the same day are considered as a single visit. Such adjustments are made insofar as practicable for noncontiguous parts of the same park. However, visits are reported separately for two contiguous parks.

VISITOR DAY. Twelve visitor hours in a park.

VISITOR HOUR. The presence of one or more persons, excluding NPS personnel, in a park for continuous, intermittent, or simultaneous periods of time aggregating one hour (e.g., one person for one hour, two persons for one-half hour).

AMENDMENT NO. \_\_\_\_\_ Ex. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To establish a research program on the development and utilization of quiet aircraft technology.

IN THE SENATE OF THE UNITED STATES—103rd Cong., 1st Sess.

INTENDED to be proposed by the Senator from Arizona, Mr. McCain  
(for himself) and the Senator from Hawaii, Mr. Akaka

Viz:

1 At the appropriate place insert the following new section.

2 **SEC. RESEARCH PROGRAM ON QUIET AIRCRAFT**

3 **TECHNOLOGY.**

4 The Federal Aviation Administration Research, Engineering,

5 and Development Authorization Act of 1992 (title III of Public Law

6 102-581; 106 Stat. 495) is amended by adding at the end the

7 following new section:

8 **"SEC.308. RESEARCH PROGRAM ON QUIET AIRCRAFT**

9 **TECHNOLOGY FOR PROPELLER AND ROTOR DRIVEN**

10 **AIRCRAFT**

11 **"(a) ESTABLISHMENT** — The Administrator of the Federal

12 **Aviation Administration (FAA) and the Administrator of the National**

1 Aeronautics and Space Administration(NASA) shall conduct a study  
2 to identify technologies for noise reduction of propeller driven aircraft  
3 and rotorcraft.

4       "(b) GOAL – The goal of the study conducted under  
5 subsection (a) is to determine the status of research and  
6 development now underway in the area of quiet technology for  
7 propeller driven aircraft and rotorcraft, including technology that is  
8 cost beneficial, and to determine whether a research program to  
9 supplement existing research activities is necessary.

10       "(c) PARTICIPATION – In conducting the study required under  
11 subsection (a), the Administrator of the FAA and the administrator of  
12 NASA shall encourage the participation of the Department of  
13 Defense, the Department of Interior, the aircraft industry, the aviation  
14 industry, academia and other appropriate groups.

15       "(d) REPORT – Not less than 280 days after enactment of  
16 this section the Administrator of the FAA and the Administrator of the  
17 NASA shall transmit to Congress a report on the results of the study  
18 required under subsection (a).

19       "(e) RESEARCH AND DEVELOPMENT PROGRAM – If the  
20 Administrator of the FAA and the Administrator of NASA determine  
21 that additional research and development is necessary and would  
22 substantially contribute to the development of quiet aircraft  
23 technology, then the agencies shall conduct, subject to

1 appropriations, an appropriate research program in consultation with  
2 the entities listed in subsection (c) to develop safe, effective, and  
3 economical noise reduction technology (including technology that can  
4 be applied to existing propeller driven aircraft and rotorcraft) that  
5 would result in aircraft that operate at substantially reduced levels of  
6 noise to reduce the impact of such aircraft and rotorcraft on the  
7 resources of national parks and other areas.

8       “(f) AUTHORIZATION OF APPROPRIATIONS – There is  
9 authorized to be appropriated such sums a maybe necessary to  
10 carry out the provisions of this section.

PAGE A18 / WEDNESDAY, JULY 20, 1994 \*

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## Be prepared. Be very prepared.

Can the U.S. government see the forest for the trees? It's not an idle question. Consider weekend news reports that the U.S. Forest Service actually prevented a helicopter search team from landing in New Mexican wilderness to pick up a teen-age Boy Scout who had been missing two days. The agency subsequently allowed the rescue on a day later, but one can't help wondering if the service hasn't lost sight of whom it's serving.

The story goes something like this: A Chicago Boy Scout troop of 14 boys accompanied by eight adults set out for a weeklong wilderness survival hike in the mountains of New Mexico's Santa Fe National Forest. Along the way, three of the scouts somehow got separated from the rest of the pack. Two of the boys were found in short order. But 14-year-old Eagle Scout Robert Bruce Graham II was not.

Two days after Graham disappeared, a police helicopter spotted the missing boy and sought permission to land and pick him up. Back came the astonishing response from Forest Service officials: Request denied.

Why? Well, the "Forest Service decided that it wasn't a life-or-death situation," said a spokesman for the New Mexico Department of Public Safety, "and they wouldn't let us do what we thought we had to do. We treat every call as an emergency. But the Forest Service has its own way of seeing things."

The good news is that young Graham survived the experience, spending a third night alone in the wilderness in near-freezing temperatures with little more than ginger snaps and water, before the Forest Service relented and allowed another helicopter expedition to pick him up. But what exactly was the agency's "own way of seeing things" in this case?

It seems that the area in which the Boy Scouts were hiking is what's called a "wilderness area." According to rules concocted by the agency, that means "mechanized vehicles" are banned from the area unless it's a matter of life or death. The agen-

cy's rescue coordinator, Tby Gass, sought permission from her supervisor, Al Defer, to allow the helicopter to land. But a Forest Service spokesman told this editorial page that Mr. Defer was not available at the time. "I don't know where he was," said the spokesman. "You know how things happen."

Or don't happen. At any rate, Ms. Gass subsequently refused to allow the police to land, in part because a ground search party was supposed to be in the vicinity. So police could only drop the boy a note, telling him to stay where he was. But when the search party still could not find him, police called in a second helicopter to pick him up.

What exactly the Forest Service was so worried about isn't clear. Was the agency worried that the helicopter would somehow hurt one of its pristine trees or emit fumes into one of its pristine watersheds? Imagine another scenario: that the boy could have fallen down one of the agency's pristine ravines or been attacked by one of its pristine animals while the agency dallied. The situation is all the more ludicrous when one considers that if it had been a parent, rather than the federal government, who had left the boy in harm's way, everybody from Janet Reno on down would now be dragging the culprit into court on child-abuse charges.

Spokesmen for the Forest Service's parent agency, the Department of Agriculture, say the matter is being reviewed. In the meantime, lessons abound here. Hikers should be under no illusion about where they stand on their government's great chain of being: at the bottom. So, as Boy Scouts like to say, be prepared. Second, lawmakers who pass feel-good legislation that gives sweeping authority to federal agencies to "protect the environment" may not fully understand the mischief to which that authority may be put. Presume nothing. Get it in writing. Last, taxpayers who don't like the non-service they get for their money should expect more. If not, elections are a good time to ask for a refund.



1635 Prince Street, Alexandria, Virginia 22314-2818 Telephone: (703) 683-4646 Fax: (703) 683-4745

August 3, 1994

The Honorable James Oberstar  
United States House of Representatives  
Washington, DC 20515

Dear Congressman Oberstar:

The Helicopter Association International (HAI) truly appreciates your commitment to a fair and balanced resolution of the issues facing aerial tour operators. HAI's 650 regular (voting) member companies, over 200 of which operate aerial tours, have had few opportunities to express their concerns about further regulation of our national airspace. The hearing before the Aviation Subcommittee of the Public Works and Transportation Committee on July 27, 1994 allowed time for substantive, common sense deliberation on a topic that has been dominated by fringe groups seeking the implementation of potentially devastating regulations and restrictions.

The air tour industry as well as tourists have become accustomed to compromise and regulation within "problem" areas, and the measures that have been implemented there seem to work quite well. Existing measures are carefully constructed to take into account the specific needs of a given facility, which is important for regulatory measures to be effective. **Constructive dialogue that is undertaken on a case by case basis must not be replaced by blanket measures such as mandatory 2,000 ft. AGL flight restrictions or through the implementation of complex noise budgets.** Further, no other National Park has the volume of air traffic that exists over the Grand Canyon, illustrating that the implementation of a Special Federal Aviation Regulation (SFAR) over other National Parks would be unwarranted. The SFAR process is one that consumes significant amounts of money and time making it impractical for parks with a lower frequency of overflights.

We do not live in a world where issues are clearly black or white; there are shades of grey in all important matters. If viable long term solutions are to be reached then all sides must negotiate in good faith and retreat from uncompromising and inflammatory attitudes. This issue demands an understanding of the real economic, political and environmental concerns at stake, and your comments mirrored this concern. Your support for the fair and balanced treatment of air tour industry as a part of the solution to environmental concerns will surely help to provide a safe and enjoyable National Park experience to thousands of Americans each year.

Thank you again for your cooperation on this matter.

Sincerely,

Frank L. Jensen, Jr.  
President

cc: David F. Traynham, Professional Staff Member for Aviation

*Delivered to the office of the Honorable James Oberstar*



**U.S. House of Representatives  
Committee on Public Works and Transportation  
Subcommittee on Aviation**

**Hearing on Legislation and Regulations  
Affecting Overflights Above National Parks**

**July 27, 1994**

**Testimony Provided By:  
McDonnell Douglas Helicopter Systems  
Mesa, Arizona USA**

**Andrew H. Logan  
Vice President/General Manager  
Commercial Programs**

**Introduction**

My name is Andy Logan. I am testifying today on behalf of McDonnell Douglas Helicopter Systems (MDHS), the helicopter and tourism industries, and the many people who visit our National Parks. I'm here because we've reached a turning point, a critical time in our nation's history when we must carefully balance environmental concerns with the needs of individuals and industry. I'm also here to offer a unique solution: quiet alternative aircraft. Quiet, safe aircraft are excellent alternatives to more restrictive legislation that has been proposed. They offer a unique way to experience our nation's beauty. And they provide a win-win solution for the public and private sectors alike.

Our company is concerned about further constriction of the civil helicopter market. Pending regulations could lead to a smaller available market for all helicopter manufacturers. My comments today will be general in nature. For a more complete and technically-based presentation, please refer to the detailed comments submitted by MDHS for the Department of the Interior's and Department of Transportation's Advanced Notice of Proposed Rulemaking (ANPRM) on aircraft overflights.

## MDHS Appeal to Legislators and Rulemakers

Our company's appeal is very fundamental: We ask that you carefully consider the various noise levels of the helicopters that you are proposing to regulate. We have reviewed the bills that have been introduced to date and the comments to the ANPRM and believe that the recommendations made would negatively impact the aerial tour industry. The majority of recommendations are often "easy answers" rather than creative solutions associated with the overflight problems. Proposed regulations fail to look at aerial tours as a potentially environmentally friendly method of viewing our national parks, and a useful alternative to relieve ground-based viewing techniques in a rapidly growing market.

An objective and elaborate data source of aircraft noise has been adopted by the FAA: Noise Certification Testing under FAR Part 36 rule limits. The data resulting from these very controlled tests are readily available for most helicopters currently serving civil markets. This information should be used in the rulemaking process. In doing so, common misconceptions about helicopters will be disproved, such as:

- They're all noisy
- They're noisier than fixed wing aircraft
- When it comes to noise, "a helicopter, is a helicopter, is a helicopter"

MDHS also appeals to legislators and rulemakers to reference the lessons learned in the regulatory response to the public outcry against commercial airliner noise near airports. At John Wayne Airport in Orange County, California, regulators began classifying aircraft by their external noise characteristics. At the same time, FAA stage classification of aircraft and quiet aircraft phase-in requirements were initiated. The public has been the benefactor of these regulations, with lower exposure to earlier generation, noisy aircraft. And airlines continue to have the opportunity to serve their markets.

## Finding a Balance in the Helicopter Environment

Due to the nature and complexity of aviation issues, we believe that airspace should remain under the authority of the FAA. Safety should always be the first priority of any rulemaking. The sheer numbers of people that are taking aerial tours indicate that there is an important demand for the service. We therefore believe that equal access, via air, should be available to National Park visitors, while reducing the adverse impact of noisier aircraft.

We must determine reasonable noise levels for our national parks. Once those levels are determined, the allowance of aircraft in that environment must be outlined. And no source of visitation, aircraft or otherwise should be discriminated against. We also strongly urge regulators to consider technological

advances available for the quieting of aircraft. One very clear example is the NOTAR system-equipped MD 520N. At approximately 1500 feet above ground level this helicopter generates noise on the ground equivalent to that generated during normal conversation.

Upon investigation we suggest that regulators will find the general public to be very receptive to quiet helicopters. The National Park Service Aircraft Overflights Study indicated that on-ground and aerial tour visitors both recommended quieter aircraft as the preferred method to solve overflight noise problems. MDHS has witnessed excellent community acceptance again and again as we've introduced approximately 70 MD 520N helicopters into local communities.

Quiet helicopter technology has sometimes been inaccurately described as a tool that will be available in the future. An analysis of relative noise data among helicopter models will demonstrate that that description is not true. Quiet technology helicopters, built in the United States, are available now. The three quietest exceed current FAA noise certification limits by more than 10 percent. They are:

- MD 520N, a five-place helicopter - the quietest in the world
- MD Explorer, an eight-place helicopter - second quietest in the world
- Kaman Aerospace K-MAX, a heavy lift helicopter - third quietest in the world

It is time to incentivize operators and manufacturers to accelerate the use and production of quieter helicopters. MDHS has outlined possible incentives in its ANPRM comments. In general, operators need economic incentives or aerial tour routes and altitudes which are commensurate with their aircraft noise signatures. U.S. government land managers, such as the National Park Service, contract approximately 200 helicopters. As of this date there are no external noise specifications in the government contracts. The government needs to start leading by example and incorporating quiet helicopters in its day-to-day operations over federal lands.

#### Quieter Helicopters in the Future

MDHS is currently developing and testing quieting technologies beyond the NOTAR system technology for even further helicopter noise reduction. We believe that new technologies such as Blade Vortex Interaction control offer noise reduction potential to a degree similar to the NOTAR technology. To date our company has invested in excess of \$30 million in the NOTAR technology. Additional efforts in new technologies must include a cost/benefit analysis for our company. And we must continually ask the question "What value does the United States place on advancements in quiet aircraft technology?"

## Conclusion

Legislators and rulemakers have tremendous opportunities associated with the current overflights issues. Public perception can be changed from negative to positive. Overflight noise levels can be logically and technically controlled. And it can be demonstrated that the lessons learned in the commercial airliner market near airports were not ignored. Helicopter manufacturers must be provided the impetus to develop yet quieter helicopters.

Quiet technology helicopters have been introduced to noise-sensitive environments and have proven that they are a collaborative tool between commercial, environmental, and government forces. We respectfully request that those of you responsible for addressing the problems that have risen due to aircraft overflights avoid using "easy answers" to the problem and choose to use creative solutions.

## QUIET HELICOPTER TECHNOLOGY FOR NATIONAL PARKS

**ISSUE:** To help restore lower noise levels in our national parks, incentives are needed to encourage air tour operators and U.S. Government agencies to acquire and use quiet helicopters. Proven quiet technology, as demonstrated on helicopters equipped with the McDonnell Douglas **NOTAR<sup>R</sup>** system, offers significant noise reduction over other helicopter systems and is available, today.

**BACKGROUND:** In response to complaints about aircraft noise, the Departments of Transportation and Interior are considering further restrictions on overflights of the Grand Canyon National Park and other noise-sensitive areas. The DOT/DOI have issued an Advanced Notice of Proposed Rulemaking (ANPRM) and have asked for comments by July 15, 1994.

**DISCUSSION:** Each year, over 800,000 visitors see the Grand Canyon by air. Currently, U.S. Government agencies and air tour operators operate noisy helicopters. Although newer helicopters equipped the quiet technology **NOTAR<sup>R</sup>** system are available, government agencies and air tour operators are not investing in the new technology. At present, there are no economic incentives to encourage air tour operators to operate quieter helicopters in the national parks. And, U.S. Government contracts do not include noise specifications, or specify the use of quiet technology for helicopter procurements.

U.S. Government agencies operate some of the noisiest helicopters in the national parks, but are exempt from restrictive federal air regulations. This is an issue with air tour operators and environmentalists. Government agencies operating in the national parks should acquire and operate helicopters equipped with quiet technology to reduce helicopter noise in the parks and to set an example for air tour operators.

McDonnell Douglas has developed the quiet **NOTAR<sup>R</sup>** system which is installed on the **MD520N** and the **MD Explorer**, acknowledged to be the quietest helicopters in the world. Both helicopters are manufactured in Mesa, Arizona. Currently, the United States leads the world in quiet helicopter technology.

### **RECOMMENDATIONS:**

1. Support equal access, via air, for national park visitors while reducing the adverse impact of noisier aircraft.
2. Require U.S. Government agencies, operating within the national parks, to set an example by acquiring and using aircraft equipped with quiet technology.
3. Provide economic incentives to encourage air tour operators to acquire and operate helicopters equipped with quiet technology. Incentives for quiet helicopter operators should include: **airspace entry fee waivers; preferential air tour altitudes and routes; and airspace entry allocations** based on FAA noise certification data for each type of helicopter. Other incentives, such as investment tax credits, accelerated depreciation schedules, and reduction of federal, state, and local taxes should be considered, as well.

27 July 94

DEPARTMENT OF THE INTERIOR

National Park Service

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

ADVANCED NOTICE OF  
PROPOSED RULEMAKING

Overflights of Units of the National Park System

COMMENTS SUBMITTED BY

McDonnell Douglas Helicopter Systems

Mesa, Arizona

U.S.A.

DOCKET NO. 27643 NOTICE NO. 94-4

June 1994

McDonnell Douglas Helicopter Systems  
(MDHS)

ANPRM Comments

Overflights of Units of the National Park System

Outline

National Park Overflight Rules

Rulemaking Implications  
Opportunities

The Role of Noise in Overflight Issues

The Primary Problem for Helicopters  
The Analogous Fixed-Wing Problem of the 1980s  
Lessons Learned in the Fixed-Wing Market

Finding a Balance in the Helicopter Environment

Airspace Control and Access Issues  
Wildlife, Structural and Historical Resources  
Relative Noise Levels among Helicopter Types  
Public Receptiveness to Quiet Helicopters  
Quieter Helicopters in the Future

Incentives for Quiet Helicopter Usage

Why Incentives?  
Criteria for Incentives  
Manufacturers' Incentive

Conclusion

Appendices

## National Park Overflight Rules

### Rulemaking Implications

The implications for rules that may be created for national park overflights are far-reaching. The rules may serve as a model for federal and private land in the United States and in other countries. Civil and military aircraft and the individual market segments served may be impacted.

Safety must be the first concern of this rulemaking. This must include the safety of pilots, passengers, and people and wildlife proximal to aviation activity. It is very important to recognize that many passengers who have flown and will be flying in helicopters are unaware and often unsuspecting of the risks associated with flight.

Aircraft technology and flight are indicative of a society's technological status. Developing countries often consider aerospace technology and an air traffic control system major requirements for development. The pending rulemaking may have an impact on the technological image of the United States.

Additionally, the helicopter market size and economics can be directly affected by the rules. Because airspace access is under consideration jointly by the Departments of Interior and Transportation, the opportunity to use helicopters and the associated market demand may be of direct consequence. Finally, the investment that helicopter manufacturers make in the industry, and ultimately in our society, will most likely be proportional to the market.

### Opportunities

Those responsible for establishing the rules on this issue have the opportunity to develop a logical, workable solution to a very complex problem. In so doing the opportunity to serve as the model for many other markets and parts of the world exists. Other locations can benefit from the issues resolved by this rulemaking. Perhaps people in those areas can avoid the tremendous costs that the overflights issue polarization between interest groups has caused in the Grand Canyon and Hawaiian national parks. To develop solutions it appears that the application of analytical tools will be necessary to make objective decisions. The opportunity exists to apply tools that ignore the biases of various factions on the issues. Ultimately, rulemakers can preserve a quality park experience for visitors as well as protect wildlife, historical structures, and cultural resources.

The National Park Service, in particular, has an opportunity to enhance its public image by designing and incorporating rules that address environmental and



commercial interests. Though it will be impossible to fully satisfy parties on either end of the spectrum, there is an opportunity to address the needs of the general public. A combination of quieting solutions to current noise problems and park visitor education programs can potentially reverse the current general negative perception of aircraft overflights to a positive perception. In fact, the potential exists to transition aerial tours to be the environmentally-preferred method of touring national parks. This can reverse the current situation that suggests further limitations and restrictions to one that is representative of market growth.

## The Role of Noise in Overflight Issues

### The Primary Helicopter Problem

Noise is the primary vehicle that rallies individuals and groups against helicopters. Complaints range from people who are rightfully disturbed by the level of helicopter noise that intrudes upon what they believe to be a reasonable standard of living, to people who consider the sight of an aircraft unacceptable, regardless of the level of noise it may produce, but single out noise as an obvious target. Even though there is a wide spectrum of people that complain about helicopters, it is the noise that is used to vent their general disapproval. In the 1992 U.S. Forest Service report to Congress, Potential Impacts of Aircraft Overflights of National Forest System Wilderness, a conclusion was drawn that "seeing aircraft had less impact on visitors than hearing them".

The public sentiment against helicopters appears to be escalating in rural and metropolitan areas in many parts of the world. This is evidenced by local, national, and international restrictions and limitations on the operation of helicopters. This declining public attitude is threatening to eliminate the helicopter from its many services, including those associated with tourism, public service, general utility, air medical service, executive, and recreation. The current negative reaction of the public to helicopter overflights appears to be an extension of the historical movement against helicopter landings that occurred in the 1970s. Prior to specific regulations in the United States, it was common for helicopters to land at locations of choice. Today helicopter landings are regulated and restricted to a much higher degree.

Although there is wide variation of external noise by helicopter type, the public is generally uneducated as to the variation. Unfortunately, their recollection of a National Guard "Huey" approaching and flying over their home may become their "benchmark" for helicopters. The degradation of the public's perception of the helicopter has been and will continue to be proportional to their awareness that a helicopter noise issue exists. In past decades, the sight of an aircraft flying in the

vicinity of people's homes was met with positive excitement. With people's heightened sensitivity to their environment and the general awareness of an aircraft noise issue, their excitement has often become of a negative variety.

Those people sensitive to helicopter noise in almost all local environments have not witnessed an improvement in the situation nor have they been provided information that would suggest that there was hope for improvement in the future. The Helicopter Association International has publicized and promoted its voluntary noise abatement "Fly Neighborly Program" since 1982. Local helicopter associations such as the Hawaii Helicopter Operators Association have promoted improved coordination with the public. Despite such efforts, the public discontent with helicopters has escalated, as evidenced by the preponderance of the negative input when public forums are held.

A dilemma facing all factions associated with the noise issue is the composition of the existing helicopter fleet. The very helicopters that the public has labeled "too noisy" have been produced in high volumes for decades. The magnitude of this is evident considering that the current civil turbine helicopter fleet worldwide is estimated at 20,000, with over half located in North America.

Observers of helicopters since their introduction several decades ago have not witnessed a reduction in the external noise levels. In fact, as 6- to 10-seat helicopters became popular in the 1970s, the associated heavier gross weights and higher rotor tip speeds resulted in higher noise levels in communities.

Production from 1989 to 1993 provides minimal hope that the production of "noisy" helicopters is abating. As a percentage of compliance with current ICAO and FAA limits, approximately 98% of the civil turbine helicopters produced in the last five-year period comply within 8% of the limit, with approximately half of those complying by 4% and less. The exception, or approximately 2% of the production, has been of the MDHS MD 520N, which complies by 11.7%. If the public's exposure to helicopters is representative of the current fleet, they probably have heard no perceptible difference in noise levels in their lifetimes.

The U.S. Army is potentially worsening the public experience with helicopters with its scheduled release of surplus scout and utility helicopters. For example, within the next five years they are planning to retire 2,450 Bell UH-1 utility helicopters from the active U.S. army. The noise signature of this model is legendary, and the other surplus helicopters scheduled to be made available are relatively noisy as well. The potential of this program is to have private individuals, government agencies, or companies buying these aircraft at wholesale prices and exposing communities to yet higher noise exposure levels. This situation is further evidence that if the United States deems the control of aircraft noise over noise-sensitive areas important, the effort should be well planned and begun soon.

ICAO and FAA noise certification limits for helicopters have had negligible impact on solving helicopter noise problems. By actual FAA certification test data, a 13.2 dB difference exists between the quietest (MD 520N) and loudest (Bell 412) helicopters during a 500-foot flyover. This difference is perceived by humans as 149% louder (or 60% quieter). Both aircraft comply with the current ICAO and FAA limits. The MD 520N complies by 10.6 dB (90.8 minus 80.2) and the Bell 412 complies by 2.9 dB (96.3 minus 93.4). The noise certification limits are adjusted depending on the maximum gross weight of the aircraft. However, to the general public that is annoyed by helicopter noise, it is of little consolation to know that a helicopter is heavier, carries more people, or meets ICAO and FAA noise certification limits as they are currently defined.

### The Analogous Fixed-Wing Problem of the 1980s

Measures to reduce and control noise levels of commercial fixed-wing airliners began as the result of public outcry in the late 1970s and early 1980s. Citizens in the vicinity of John Wayne Airport, Orange County, California, organized to pressure airport officials to address what they considered to be obtrusive noise levels.

The focus of disgruntled community members was on jet aircraft noise, and their original demand was to restrict jets from the airport. British Aerospace took the initiative to educate the community and airport officials on the availability of a quiet alternative jet aircraft: the BAE 146. The aircraft employed advanced technologies, including high-bypass turbofan engines and a high-lift wing. Flight demonstrations and the presentation of external noise data, including noise footprints, were used in the education process.

John Wayne Airport's strategy to begin alleviating the noise problem included classifying aircraft by their noise signature and allocating airport departures in higher volumes to aircraft with lower noise classifications. The BAE 146 was significantly quieter than competitive aircraft and fell into the quietest noise category. Even though the aircraft was of a lower capacity (passengers) and slower (cruise speed) than other transports in that period, it became popular due to its quiet classification and associated allowable departures.

Operators in the John Wayne Airport environment were given incentive to operate quiet-technology aircraft. Aircraft manufacturers were faced with a changing marketplace and could choose to respond or not respond to their customers' product requirements. ICAO and FAA aircraft noise requirements for fixed-wing aircraft have been phased in concurrently, but the situation today bodes well for the positive impact that results from situations like the one at John Wayne Airport. Today British Aerospace has no significant noise advantage with its BAE 146 over products produced by Boeing or McDonnell Douglas.

The operator of a newer technology Boeing 757 versus the operator of an older technology Boeing 727-100 has a higher capacity aircraft (the maximum gross weight is 50% higher) that is also 51% quieter on takeoff and 42% quieter on approach. From the "louder than" perspective, the 727-100 is 103% and 51% louder, respectively. As the marketplace plans for pending ICAO Stage IV noise standards British Aerospace projects that the BAE 146 will meet those standards, but probably only with quieting modifications. Appendix 1 provides three examples in the fixed-wing market where the public has enjoyed a significant reduction in noise exposure levels.

### **Lessons Learned in the Fixed-Wing Market**

To respond to community problems related to fixed-wing aircraft noise, local, national, and international regulations were necessary. Operators and manufacturers were required to manage their businesses under environmental as well as economic criteria. Airframe and engine manufacturers became motivated to develop quiet aircraft technologies. And the standards of today are much higher than they were in the early 1980s and before. Consequently, as regulating agencies plan new higher standards for the noise exposure of aircraft, the baseline begins with standards that have already provided relief for a discontented public. The fundamental strategy to reduce the noise exposure levels in the fixed-wing market has been to recognize the variation of source noise levels. One must wonder what the status of the fixed-wing aircraft noise issue would be today if in the early 1980s there were no quiet alternatives available.

### **Finding a Balance in the Helicopter Environment**

#### **Airspace Control and Access Issues**

MDHS recommends that airspace control for the United States remain under the authority of the FAA. To give this control to other agencies does not make sense in light of the FAA's experience and the implications that airspace control has in terms of safety, air traffic, and economics. MDHS also believes that there should be controlled access to airspace over noise-sensitive areas. The airspace should be available to public and private parties. Aerial sightseeing, for example, can be an environmentally acceptable use of the airspace, just as use of the airspace by the government land managers can be. Determination of accessibility to that airspace must include consideration of the level of intrusion that those aircraft can potentially have on people, wildlife, historical structures, and cultural resources within or proximal to that airspace.

It is unrealistic and unreasonable to expect or regulate that aircraft can have no noise impact on noise-sensitive areas. It is realistic to control that noise impact by noticeability or dosage techniques to reasonable levels and levels comparable to other sources in the noise-sensitive environment. A commercial airliner that meets Stage III noise certification limits flying overhead at 35,000 feet above ground level may be noticeable to a human walking in a noise-sensitive area. However, it may be less noticeable or of lower noise volume than the noise level of two people in his vicinity having a normal conversation. Appendix 2 illustrates MDHS MD 520N maximum ground-level noise levels at various flight altitudes compared to typical noise sources. The major point is that the benefits of aircraft flight over noise-sensitive areas, in terms of minimal environmental impact, protection of life, and an opportunity to experience the beauty of natural areas in a unique way, outweigh the negatives if reasonable noise limits are determined and the source of the noise is controlled.

Noise surveys have been conducted which provide ranges of noise by typical sources such as jackhammers, highway traffic, and normal conversation. Rulemakers must establish what reasonable noise levels are for national parks, just as they must establish reasonable levels of impact from other sources (ground vehicles, humans on the ground, etc.). Upon establishment of this standard, aircraft activity can be defined. For other issues, the FAA has defined an aircraft noise level of 65 dB DNL as the level that creates significant annoyance for people. FAA FAR Part 150 describes a noise compatibility planning process for airports. Yearly day-night noise levels exceeding 65 dB are generally incompatible with noise-sensitive areas. Analytical tools such as the model used by BBN Inc. in their 1994 contract with the NPS are available to predict aircraft noise impact using baseline data such as the FAA noise certification data.

Standards and permissible aircraft activity must be applied to private and public users of airspace. The federal land managers, for example, conduct some of the most important flying in our national parks. However, they also conduct some of the most obtrusive due to their exemption from regulations (e.g. SFAR 50-2), types of missions, and selection of aircraft types. As private operators are subject to regulations, so should public service users, such as the NPS. This should definitely include using aircraft that employ quieting technologies. To date the requirements for contracting aircraft for government use have no noise specifications included.

#### **Wildlife, Structural and Historical Resources**

The focus of these MDHS comments is on the noise issues from the human perspective. This is not to suggest that wildlife, structural and historical resources are not important among the issues facing the rulemakers for this ANPRM. Traditional metrics are based on A-weighted noise levels aimed specifically at assessing human response to noise. Low frequency noise such as that produced by a

helicopter main rotor should also be considered for its potential impact on wildlife, and especially historic structures.

The A-weighting that is applied to measured noise levels reflects the frequency response of the human ear, which is not as sensitive to low-frequency noise. If a rotor blade produces a 25 Hz blade passage frequency, the A-weighted tone is 44.7 dB less than the unweighted tone. Typical main rotor blade passage frequencies are between 10 and 40 Hz. The high levels of acoustic energy produced at lower frequencies are not included in FAA noise certification measurements.

MDHS suggests that in the rulemaking process, consideration be given to the variation of blade pass frequencies by helicopter type, particularly for those that may be operating proximal to wildlife, cultural and historical resources. MDHS believes that in general a higher number of main rotor blades and the associated lower blade tip speeds generate lower noise levels at these low frequencies. Subsequently, **helicopters with a greater number of main rotor blades have less impact on the non-human resources discussed in this section.**

Upon researching blade passage frequencies, the rulemakers will find a broad variation among helicopter types. For example, the two-bladed Bell 206LI LongRanger is 13 Hz, compared to the five-bladed MDHS MD 520N level of 40 Hz. An additional consideration should be the effect of the anti-torque systems on wildlife and structures. In a conventional helicopter, the exposed tail rotor blades have an additive effect to the main rotor impact. This should be analyzed relative to the MDHS NOTAR anti-torque system impact.

### Relative Noise Levels among Helicopter Types

As noted above, there is a wide variation among the external noise signatures of helicopters. For the helicopters that have completed FAA noise certification testing, the variation from loudest to quietest is greatest in the flyover regime (13.2 dB difference, 149% louder than/60% quieter than). In the takeoff regime, the variance between the quietest, the MD 520N, and the loudest, the Sikorsky S-76C, is 9.6 dB (94% louder/48% quieter). The variation between the quietest (MD 520N) and the loudest (S-76C) in the approach mode is 9.8 dB (97% louder/49% quieter).

Overflights and the associated noise represent the greatest problem in the three primary parks that are being addressed in this ANPRM. Therefore, if the rulemakers choose to use FAA noise certification data in regulations, the level flyover measure is most applicable. In these parks or other parks, if a major concern is the noise made by helicopters as they approach and take off from landing sites, the approach and takeoff FAA certification data is obviously applicable. Consideration of noise source data in all three regimes would be critical for rules pertaining to public helicopters that typically fly at low altitudes and land on the park surfaces. Use of the FAA certification test data has several advantages including testing standardization,

the capability to extrapolate the data for different operating conditions, and the applicability of the data to various acoustical tools and models.

Appendices 3 through 9 review the relative noise levels of helicopters using several different methods of comparison. Appendix 3 outlines the raw data in the flyover, takeoff, and approach parameters from the FAA noise certification test data. The compliance margin for each of these parameters and the average compliance of the three are noted also. Aircraft are listed by the type from the greatest to the smallest margin of compliance.

Appendix 4 focuses on the flyover parameter and ranks the most to the least compliant in terms of their exceedence of the current ICAO and FAA limits. The flyover, takeoff, and approach parameters are also used for a louder than/quieter than analysis of helicopters compared to the quietest to complete FAA noise certification testing, the MD 520N, in Appendix 5. Appendix 6 graphically illustrates the "louder than" performance of other helicopters in the flyover regime compared to the MD 520N.

Appendices 7 and 8 illustrate how the reduced noise signature of the MD 520N is actually "felt" on the ground level compared with two other helicopter types that are used in the aerial tour and government contract applications. In these footprint and sideprint graphics the threshold of 65 dBA is used. If rulemakers choose a different threshold for acceptable noise in noise-sensitive areas, the quiet advantage of the MD 520N would be approximately proportional to that demonstrated in these appendices.

For an analysis from the noise dosage perspective, Appendix 9 again uses the MD 520N as the baseline and reviews the equivalent events of the MD 520N flyover to a single event by other aircraft. This analysis compares the acoustical energy imparted by helicopter type.

The raw data, compliance margin, louder than/quieter than, noise footprint, and dosage summaries in the various appendices illustrate that there is significant variation between helicopter types in terms of their external noise levels in the flyover, takeoff, and approach regimes. The magnitude of the variation is similar to that which exists between the old-technology fixed-wing commercial aircraft and new-technology aircraft that employ quieting technologies. The situation with helicopters can be analogous to the commercial fixed-wing airliner market. The statement by Dale McDaniel of the FAA in the Washington Post (5/24/94) is pertinent to the helicopter overflight issue:

**[in terms of total noise impact on a community, ] "you could have 10 Stage 3 operations before it would equal one Stage 2."**

Though the public often assumes that all helicopters are noisier than fixed-wing aircraft, Appendix 10 demonstrates that based on FAA certification data, the quietest helicopter, the MD 520N, is significantly quieter than fixed-wing aircraft, including those that are considered to be the quietest in the aerial tour industry.

A distinguishing feature of the two quietest helicopters in the world is the NOTAR anti-torque system, which has replaced the tail rotor, often the greatest contributor of noise of any of the helicopter components. Appendix 11 lists the major noise reduction features of the NOTAR anti-torque system.

In the heavy-lift helicopter category the introduction of the Kaman Corporation American-made K-Max model represents the availability of a quiet alternative helicopter in that category. FAA noise certification testing (FAA FAR Part 36, Appendix J) is complete, and the issuance of the aircraft's type certificate is expected in 1994. Results of the noise certification testing indicate that the flyover (500 foot) dBA noise levels of the K-Max are within 1.5 dBA of the MD Explorer. The availability of a quiet alternative heavy-lift helicopter is very pertinent to this ANPRM. An aircraft is now available to replace very noisy helicopters (e.g. Bell's 204, 205, 212, 412, and Sikorsky's S61) that are often used for lifting operations in environmentally sensitive areas.

### Public Receptiveness to Quiet Helicopters

The NPS Aircraft Overflights Study conducted by HBRS, Inc., provided direct indications of park visitors' opinions about aircraft overflights of the Grand Canyon and the role that quiet aircraft may play in the issues. On-ground visitors indicated that if restrictions are determined to be needed, quieter aircraft and limiting the number of overflights were more supportable than more temporal restrictions. Quieter aircraft were supported by 79% of the respondents, followed by a restriction of number of flights (74%). Air tour passengers surveyed also chose "quieter aircraft" as the most supportable restriction, followed by [restricting] "areas of park," with 80% and 68% support levels, respectively. As indicated in the various sections of these comments regarding variation of helicopter noise levels by type, the variation is great enough that quieter aircraft could theoretically negate the need to restrict the numbers of flights or impose other restrictions. The variation is large enough that flights with quiet aircraft could be increased while simultaneously reducing the overall noise dosage on noise-sensitive areas dramatically. Appendix 9 demonstrates this possibility.

Production deliveries of the MD 520N began in late 1991. To date, approximately 65 aircraft have been delivered around the world. Appendix 12 illustrates the locations of the MD 520N fleet as of May, 1994. They have been placed in utility (private and government contract), aerial tour, law enforcement, and executive applications. Appendix 13 contains a collection of media coverage on the



MD 520N and the MD Explorer with references to "neighborly" characteristics noted. One of the most noteworthy events in the short history of the MD 520N was a demonstration/evaluation program of the helicopter in Hawaii in cooperation with Papillon Hawaiian Helicopters. During the 10-week program noise complaints were virtually non-existent, despite the fact that the aircraft operated for up to seven hours per day out of Hilo to the Volcanoes National Park on aerial tours. A videotape entitled "MD 520N Hawaiian Demonstration Tour" is also enclosed in Appendix 13 to demonstrate the receptiveness of the media and the public to a quiet-technology helicopter.

Representatives of environmentalist organizations have made favorable public comments about the MD 520N and have suggested preferred routes for quiet-technology aircraft in the Grand Canyon National Park. These comments have often been recorded in public forums such as the NPS/FAA "Finding a Balance" Workshop held in Flagstaff, Arizona, in March 1994.

Appendix 13 is probably the most important contribution of these comments because it provides the evidence that the public embraces quiet technology helicopters. The highlights of the materials in the appendix are as follows:

- The process of San Jose, California beginning an aerial law program and the successful results of selecting the MD 520N
- The Phoenix Police Department's reports of all-time low citizen noise complaints following the introduction of 7 MD 520Ns to its fleet
- Rotor and Wing's pilot report of the MD520N which lauded the aircraft's noise characteristics, safety, and performance
- Media, community, environmentalist, aerial tour operator, and aerial tour customer reactions to the MD 520N during the 1993 Hawaii demonstration/evaluation tour
- Windward Aviation's (Maui, Hawaii) brochure promoting the environmental friendliness, safety, and advanced technology of the MD 520N
- France's Ministry of the Environment's Golden Decibel Award to MDHS for the MD 520N
- Accounts of the MD 520N from African, American, European, and Latin American resources
- Burbank, Huntington Beach, and Glendale, California police officials accounts of the importance of the neighborly characteristics of the MD 520N in their communities

- Quotations by Roger Clark, Vice President for Conservation for the Grand Canyon Trust, describing the importance of quiet aircraft for the protection of the natural quiet of the Grand Canyon, and the significant difference of the MD 520N noise signature
- Rotor and Wing's review of the MD Explorer with direct references to the helicopter's neighborly character
- Early accounts of MDHSs Blade Vortex Interaction (BVI) technology and the promise offered beyond the NOTAR technology in helicopter noise reduction
- MDHSs receipt of an environmental award from the State of Arizona for development of the NOTAR technology
- Rotor and Wing's account of the quiet alternative in heavy-lift helicopters: Kaman Corporation's K-Max

The new MD Explorer is competing with the MD 520N for the distinction as "the world's quietest helicopter." As indicated in the various appendices describing comparative noise levels, this aircraft is projected to have the largest compliance under current ICAO and FAA noise certification limits of any helicopter. (See Appendix 4.) En route to its type certificate in 1994, the aircraft is scheduled to complete the noise certification requirements in October 1994. The values in the appendices as predicted by the NASA model ROTONET have been validated using actual MD 520N noise values against those that were originally predicted by the model for the MD 520N. Preliminary noise measurements of the MD Explorer also suggest that the values expected under the FAA noise certification testing will be very close to those predicted by the ROTONET model.

In its minimal exposure to the public to date, the MD Explorer has been met with awe by listeners. Even though the aircraft empty and maximum gross weights are in excess of double the MD 520Ns the two aircraft are virtually indistinguishable from each other in terms of their noise signatures, particularly in the flyover regime. As the aircraft begins to enter the market with production deliveries beginning in 1994, the public reaction to its quietness is expected to be very positive. This aircraft will provide community-sensitive operators with an opportunity to change a negative public perception of large helicopters to a positive perception. Due to the NOTAR anti-torque system and other advanced quieting technologies as listed in Appendix 14, the aircraft refutes the rule that a bigger helicopter must be a noisier helicopter.

The applicable result of these two NOTAR-equipped helicopters with significantly reduced noise signatures is the availability today of quiet helicopters to replace noisier aircraft currently in the marketplace. In terms of capacities (useful

load, passengers, lifting capability, etc.) and performance, the availability of these two aircraft allows the replacement of all helicopter types with perhaps one exception. The exception may be a helicopter required to transport in excess of nine passengers in a single flight with no concern for the external noise level. MDHS recommends that rulemakers make a complete evaluation of the replaceability of helicopter types currently operating in various private and public market segments with quiet alternative helicopters.

The bottom line to the quiet technology helicopter issue is that the quietest (MD 520N), the second quietest (MD Explorer), and the third quietest (K-Max) helicopters will all be available in 1994 to replace noisy models in every application from a five-place aerial tour helicopter to a heavy-lift helicopter. And all three aircraft are manufactured in the United States.

### Quieter Helicopters in the Future

Manufacturers and operators have publicized programs designed to modify current aircraft models to reduce their noise signatures. Manufacturers have also publicized plans for the production of quieter helicopters in the future. Bell Helicopter and Eurocopter have each announced programs attempting to reduce overall noise levels by modifying their anti-torque systems. Eurocopter has also promoted variable main rotor speeds as a possible technique to reduce the noise levels of its future designs. Each of these plans needs to be evaluated on its own merits. Safety, economic, and performance criteria must be considered for each case.

Over the next 10 years the composition of helicopters overflying national parks may change as dramatically as the fixed-wing airliner fleets flying in and out of U.S. major airports have in the last decade. If this occurs, it will be due to the popularity of currently available certificated quiet helicopters, quiet helicopters which have yet to be noise certificated, and helicopters that have been modified with quieting technologies. In any case, provided the helicopters meet the safety requirements and noise limits as they will be defined, there should be an opportunity to operate those aircraft under the allowable conditions.

Helicopter manufacturers are promoting current and future models as "quiet" or "low noise" helicopters. For those helicopters that have completed the FAA noise certification testing, rulemakers can analyze the data and make an objective determination of which fall into the "quiet" category. For those aircraft that have not completed FAA noise certification testing, an opportunity should be given to complete noise testing if there is reason to believe that those aircraft are within reach of meeting the "quiet" category.

Unfortunately, there has been a case of a helicopter manufacturer promoting its products as "low noise" even though those products are some of the noisiest and have some the lowest FAA and ICAO limit compliance margins of those helicopters

that have completed noise certification testing. Practices such as this indirectly suggest that the public cannot recognize the variation of noise signatures by helicopter type. Ultimately this advertising technique can harm all manufacturer and operator groups because regulations can be imposed to exclude all helicopters, based on the noisy ones that the industry promotes as quiet.

MDHS is currently evaluating potential quieting technologies beyond the NOTAR technology. This evaluation includes a cost/benefit analysis. For a historical perspective, MDHS has invested approximately \$30 million in the NOTAR technology and continually evaluates the "payback" of this investment in MD 520N, MD Explorer, and potential NOTAR-equipped model production. The MDHS investment in quieting technologies in the future will be dependent on the evaluation of the success of its investments made to date.

Active rotor flap control technology, which involves reduction of noise generated by blade vortex interaction, appears to offer helicopter noise reduction potential similar to the degree of the NOTAR system over conventional anti-torque systems. (See Appendix 15). Preliminary tests of a four-bladed rotor system conducted by MDHS in the NASA Langley wind tunnel indicate that a potential of 5-10 dB reduction may be possible in the approach regime of flight. This is particularly exciting because rotor noise produced during the approach/descent phase of flight is the most difficult to control. If a 7.5 dB reduction were attained in the MD 520N, the result would be equivalent noise levels of the helicopter in approach and flyover (500 feet) regimes. The public has already shown great receptiveness to the flyover noise levels of the MD 520N. To match flyover levels as the helicopter approaches the listener would most likely be met with even stronger approval.

## Incentives for Quiet Helicopter Usage

### Why Incentives?

The major reason that quiet helicopters are not popular in the various noise-sensitive markets is that few have been delivered to the market overall. As of June 1994, fewer than 70 MD 520N's will have been delivered, with broad distribution throughout the world. Considering that the MD 520N has been in production for less than three years, and the MD Explorer and K-Max are entering production this year, and the volume of helicopters that are in the current world fleet, the public awareness of the availability of quiet helicopters is understandably low.

The direct focus of this rulemaking is on the national parks, and indirectly on aerial tours and land manager usage. Operators for both markets have been driven to economic rather than environmental criteria for their helicopter type selection.

This has tended to lead to the use of used, high-time, highly depreciated helicopters. However, some smaller operators in the aerial tour industry in Hawaii and the Grand Canyon have used newer, lower time helicopters and promoted the newness of their aircraft in their advertising.

Considering the implications of this rulemaking, it is time to provide helicopter operators and manufacturers the incentives necessary to accelerate the use and production of quieter helicopters. Operators need economic incentive to re-equip with new quiet-technology aircraft and manufacturers need to recognize that the market is demanding quieter helicopters.

The availability of quiet helicopter types that can replace a large number of noisier helicopters in noise-sensitive environments has been established. However, due to their recent introduction, the availability of used, high-time, highly depreciated quiet, alternative helicopters has been limited. As of May 2, 1994 the high-time MD 520N in the world was serial number 1, operated by the Phoenix Police Department, with a total of 2,489 hours.

### Criteria for Incentives

The fact that there is a wide variation in the external noise levels of helicopters has been established in the body and appendices of this document. As stated above, the rulemakers must establish the limits for helicopter noise levels in the vicinities of national parks. Upon that determination, operators of private aircraft that meet or exceed the limits under defined operating conditions should be provided with economic incentive. Those operators of aircraft that fail to meet established limits should be provided with negative incentive (penalties) for operating those aircraft and given some defined "grandfather period" to phase out of the noisy aircraft. (Appendix 16 provides some examples of incentives that may be considered. The converse of each item could be considered for penalties.)

Rulemakers should consider the market projections for the areas under consideration. For example, the demand projected for overflights of the Grand Canyon is growing. This has implications in terms of not only the volume and frequency of flights but also the economics for the aerial tour operator. In a sense rulemakers have the luxury of improving the situation within a growth rather than a declining market. In fact, if government and industry can solve the aircraft noise problems over noise sensitive areas, aerial tours can become the environmentally preferred method of touring these areas because they will be imparting less "pollution" overall than other methods.

The criteria for which aircraft are identified for incentives should be acoustically supportable, use currently available ICAO or FAA certification data, and require minimal monitoring after rules are implemented. If noise data by helicopter

type is used and flight conditions (e.g. altitudes) are defined, it should be unnecessary to set up sound monitoring equipment in the national parks.

Contractors who support helicopter requirements for government land managers should be provided with incentives for investing in quiet-technology aircraft. This could be provided in terms of allocation of a higher hourly contract fee and/or extended contracts. Paramount to this process is coordination of the rulemaking with the Office of Aircraft Services (O.A.S.) so their systems and procedures can be modified accordingly, including the addition of external noise specifications to government bid specification requirements.

### Manufacturers' Incentive

If regulations are developed that respond to the fundamental problem of overflights, source noise, manufacturers will respond accordingly. To date, the investment made in quieting technologies by MDHS has been a penalizing force. With all things equal, the investment has required an increase in product costs that those competitors who have not invested in quieting technologies have not had to incur.

Learning the lessons of the commercial fixed-wing airliner market would be very advisable for rulemakers in the current issue. Given the incentive, operators will be operating aircraft and manufacturers will be producing aircraft in 10 to 15 years that are not generally flying in noise-sensitive markets today. Without regulations and incentives to move from old to new technologies, the private and public users of helicopters will continue to select aircraft solely on economic criteria, which will delay the incorporation of quiet-technology aircraft.

MDHS has invested in quieting technologies for its current production aircraft. The company is on the precipice of taking the next major step in quiet technology. The degree to which MDHS pursues this step has to include an evaluation of the economic benefit of past and future revenues. These revenues are obviously driven by market size and market share considerations. As noted in the beginning of this document, the rulemaking in this issue will potentially affect the market size available for services in the national parks and other areas. MDHS is concerned with the potential further restrictions of helicopter operations and the overall market size. It and other manufacturers will have greater reason to be optimistic about the future market if regulations are incorporated that leave airspace open to quiet-technology aircraft rather than unilaterally close airspace with no consideration of the wide variation of external noise levels by helicopter type.

MDHS decisions on helicopter production have direct implications for the industrial base of the United States. Very few commercial turbine helicopters are currently manufactured within the U.S. The majority of commercial helicopter production has shifted to France, Canada, and Germany. However, U.S.

manufacturers (MDHS and Kaman Corporation) lead the world in the production of quiet helicopters.

## Conclusion

Rulemakers have the opportunity to impact the image of aircraft flight over national parks and beyond. They have the opportunity to change a public perception that is overwhelmingly negative to a positive one. It is reasonable to logically and technically control the level of noise imparted on national parks by aircraft. The strategy to do so must consider the source of the noise. The simplicity of the solution is clear if that premise is accepted. To ignore the history of the fixed-wing commercial airliner experience would be wrong. If regulators in that environment had fallen to the "economic cries of the airline industry," Stage I aircraft would be flying with regularity today.

Quiet-technology helicopters have been introduced into local markets by municipalities and operators with welcome responses by local citizens and citizen groups. Quiet-technology helicopters are a viable and proven collaborative tool between environmental, governmental, and commercial forces. Rulemakers must demonstrate the foresightedness to give these aircraft the impetus in the market today so that a difference will begin to be made. And in 10 years, "noise-sensitive" areas will remain so, with aircraft passengers still able to enjoy the unique perspective from aloft.

## FOR CLARIFICATION OF THESE COMMENTS OR FURTHER INFORMATION, CONTACT:

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## Appendices

For clarification of these comments or further information contact:

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## Flyover Noise Comparisons (EPNdB)

### Fixed-Wing Aircraft Examples (from FAA noise certification data)

COMMERCIAL TRANSPORT					
Flight Condition	727-100 (169,500 lb)	757 (255,000 lb)	Difference EPNdB	757 is quieter	727-100 is louder
Takeoff	98.2	88.0	10.2	51	103
Approach	104.8	97.0	7.8	42	70

SHORT-HAUL COMMUTER TRANSPORT					
Flight Condition	BAe 1-11 400 (89,500 lb)	BAe 146-200A (89,500 lb)	Difference EPNdB	146 is quieter	1-11 is louder
Takeoff	95.7	84.9	10.8	52	111
Approach	99.9	95.6	4.3	26	34

BUSINESS JET					
Flight Condition	Lear 250 (15,000 lb)	Lear 35/36 (18,300 lb)	Difference EPNdB	35/36 is quieter	250 is louder
Takeoff	94.0	79.2	14.8	64	178
Approach	102.7	91.4	11.3	54	118

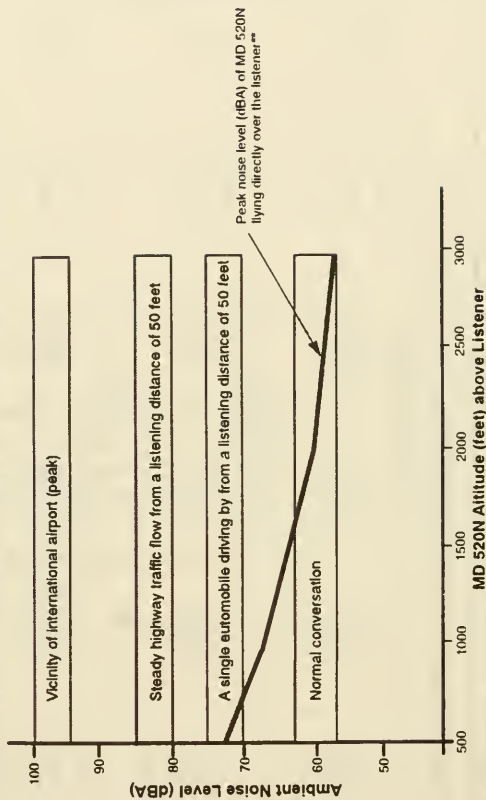
Human beings perceive a 10 dB difference as 50 percent quieter (or 100 percent louder)

The public has enjoyed a significant reduction in fixed-wing aircraft external noise levels

## Appendix 2

## Comparison of Ambient Ground-Level Noise\*

Typical Noise Sources vs MD 520N Flying Overhead at Various Altitudes



\*Source: Acoustic Noise Measurements, Bruel and Kjaer, 1979

\*\*MD 520N flying at 115 knots, a typical cruise speed, within 10 percent of helicopter's maximum gross weight

## McDonnell Douglas NOTAR System-Equipped Helicopters vs Tail Rotor Helicopters

Helicopter Model	Weight Average (kg/lb)		Noise Level (EPNdB)*		ICAO Compliance Margin (EPNdB)**			Average
	Flyover	Takeoff	Approach	Flyover	Takeoff	Approach		
MD 900	2,722/ 6,000	81.9	84.1	88.9	11.4	10.2	6.4	9.3
MD 520N	1,520/ 3,350	80.2	85.4	87.9	10.6	6.4	4.9	7.3
AS332L1	8,502/ 18,747	91.6	92.6	95.2	6.7	6.7	5.1	6.2
B206L-4	2,018/ 4,450	85.3	88.4	90.7	6.7	4.6	3.3	4.9
AS355F2	2,540/ 5,600	86.9	89.3	92.7	6.2	4.8	2.4	4.5
B230	3,810/ 8,400	90.5	89.1	94.2	4.3	6.7	2.6	4.5
AS350BA	2,100/ 4,630	87.3	89.5	91.1	5.1	3.9	3.3	4.1
AS350B1	2,200/ 4,850	87.3	89.7	91.3	5.1	3.7	3.1	4.0
AS350B2	2,250/ 4,950	87.6	89.8	91.4	4.9	3.7	3.1	3.9
B412HP	5,397/ 11,900	93.4	92.8	95.6	2.9	4.5	2.7	3.4
S-76A	4,898/ 10,800	92.6	92.3	95.4	3.1	4.4	2.3	3.3
B0105LS	2,600/ 5,732	90.0	90.9	91.9	3.2	3.3	3.3	3.3
B412SP	5,397/ 11,900	93.4	93.1	95.6	2.9	4.1	2.7	3.2
MD 500E	1,360/ 3,000	86.7	87.6	90.3	3.6	3.7	2.0	3.1
BK117B2/C1	3,350/ 7,385	92.0	90.6	93.3	2.3	4.7	1.0	3.0
AS365N2	4,250/ 9,370	91.2	93.2	96.2	4.1	3.1	1.1	2.8
S-76C	5,306/ 11,700	93.2	95.0	97.7	3.0	1.2	0.5	1.6
A109K2	2,850/ 6,284	89.1	91.7	91.1	1.5	0.1	1.6	1.0

MD 520N is the quietest helicopter in the world to complete FAA certification.

MD Explorer (MD 900) is predicted to be of about the same noise level as the MD 520N – and have the largest margin of compliance under current ICAO limits of any helicopter.

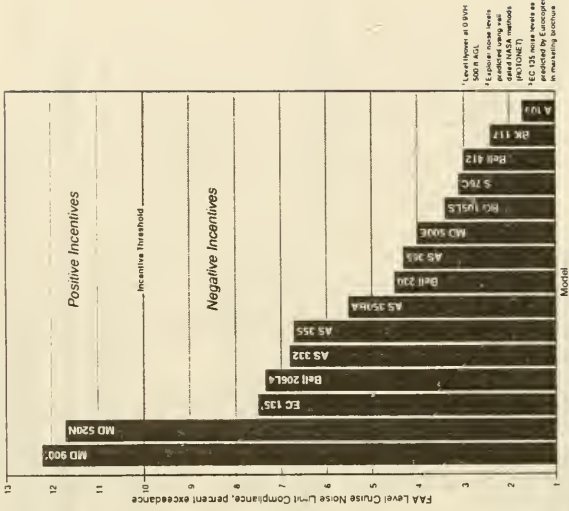
\*DATA SOURCE: FAA certification data, manufacturer publications, FAA Fly Neighborly Guide  
MD 900 noise levels predicted using validated MCA software (PHOTONET)

\*\*ICAO Annex 16, Chapter 8, and FAA FAR Part 36, Appendix H Rule Limits

# Noise Level Compliance per FAR Part 36 Stage 2<sup>1</sup>

## Appendix 4

Expressed as Percentage Exceedance



### Calculation Method

$$\text{EVA Compliance as Percent of Current Limit} = \frac{\text{Model Compliance Margin (dB)}}{\text{FAA Limit (dB) for That Model}} \times 100$$

### Examples

MD 980 Compliance =  $\frac{11.4 \text{ dB}}{93.5 \text{ dB}} \times 100 = 12.2\%$

A 109 Compliance =  $\frac{1.5 \text{ dB}}{67.6 \text{ dB}} \times 100 = 1.7\%$

## Flyover Noise Comparisons

### MD 520N vs Tail Rotor Helicopters (from FAA noise certification data)

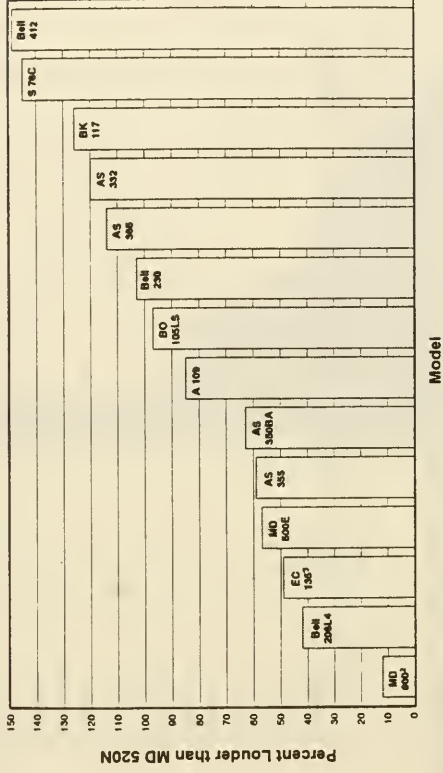
Helicopter Model	"520N is ___% quieter than ..."			"... is ___% louder than 520N"		
	Level <sup>1</sup>	Takeoff	Approach	Level <sup>1</sup>	Takeoff	Approach
AS350B2	40	26	21	67	35	27
AS350BA	38	24	20	63	32	24
AS355F2	37	23	28	59	31	39
AS355N	36	20	28	56	25	39
AS365N2	53	41	43	114	71	77
BK117B2/C1	55	30	31	126	43	45
BO105CBS	46	31	20	86	46	25
BO105LS	49	31	24	97	46	32
Bell 206L4	30	18	17	42	23	21
Bell 230	51	22	35	103	29	54
Bell 412SP	60	41	41	149	70	70
Bell 412HP	60	40	41	149	66	70
S 76A	57	38	40	135	61	68
S 76C	59	48	49	145	94	97

<sup>1</sup>Level flyover at 0.9V<sub>H</sub>, 500 ft AGL

The public can now enjoy a significant reduction in helicopter external noise levels

Appendix 6

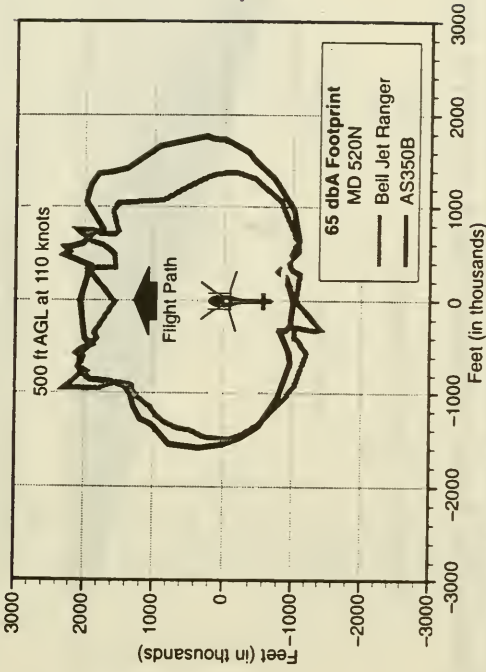
**Flyover Noise Comparisons<sup>1</sup>**  
**Loudness Comparisons to the MD 520N**



<sup>1</sup> Level flyover at 0.9V<sub>H</sub>, 500 ft AGL  
<sup>2</sup> Explorer noise levels predicted using validated NASA methods (ROTONET)  
<sup>3</sup> EC 135 noise levels as predicted by Eurocopter in marketing brochure

# Helicopter External Noise "Footprints"

## MD 520N vs Tail Rotor Helicopters

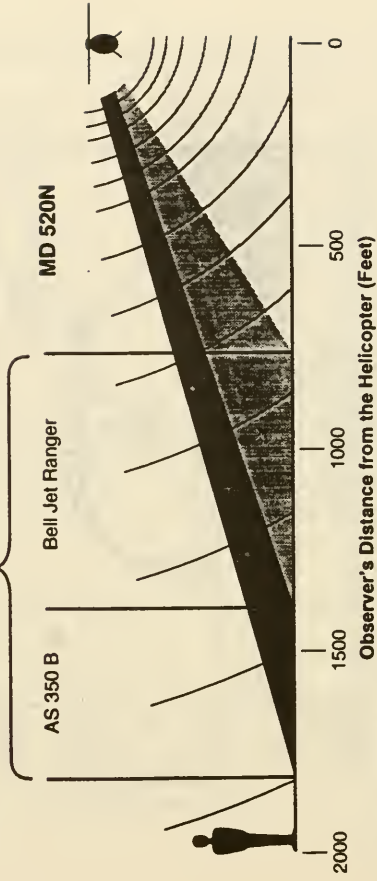


The area of "intrusion" by the NOTAR system-equipped helicopter is a small percentage of the area affected by helicopters with tail rotors

## Helicopter External Noise "Sideprints"

MD 520N vs Tail Rotor Helicopters (500 ft AGL at 110 knots)

The NOTAR "Quiet" Advantage



A broad area surrounding the helicopter can go undisturbed with the NOTAR system-equipped helicopter compared to conventional helicopters



## Appendix 9

Noise Dosage Comparisons \*

<u>One event...</u>	<u>Is equivalent to</u>	<u>MD 520N events</u>
MD Explorer		1.5
B206L-4		3.2
EC 135		3.8
MD 500E		4.5
AS355		4.7
AS350BA		5.1
AS350B2		5.5
A109		7.8
BO105		9.5
B230		10.7
AS365		12.6
AS332		13.8
BK117		15.1
S76C		19.9
B412		20.1

\* flyover events factor = 10  
 $(dB1 - dB2)/10$

## Flyover Noise Comparisons\*

## MD 520N vs Fixed-Wing Aircraft

Aircraft	Max GW (lb)	Speed (kt)	Altitude (ft)	Noise Level (dB(A)max)
MD 520N	3,350	112	1,000	66.4**
Twin Otter Std (DH6-300)	12,500	167	1,000	77.4
Twin Otter Quiet Fan			1,000	72.3
Beechcraft Super King Air 200/B200	12,500	245	1,000	79.2
Super King Air Quiet Fan			1,000	75.0
Beech Bonanza (F33)	3,400	245	1,000	76.6

\*FAA noise certification data for level flyover

\*\*Extrapolated from FAA noise certification data measurement at 500 feet, the standard test altitude for helicopters

The public often assumes that all helicopters are noisier than fixed-wing aircraft. The data above demonstrates that the MD 520N is even significantly quieter than the Twin Otter with quiet props

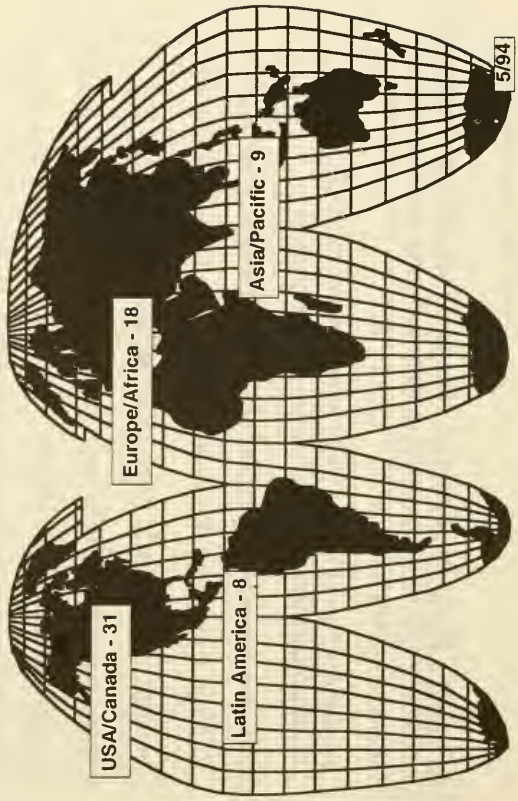
## **NOTAR Anti-Torque System Noise Reduction Features**

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- Upward-facing inlet
  - Elimination of line of sight between the NOTAR system fan and the observer on the ground
- Fan embedded in tail boom with large number of blades
  - High-frequency fan tone
  - High atmospheric attenuation of fan tones
- Low-tip-speed fan with large rotor/stator separation
  - Low source noise levels
  - Low rotor/stator interactions
- Low velocity ambient temperature exhaust from the direct jet thruster

Appendix 12

MD 520N Distribution by World Region



**Appendix 13**

389

*Information is being compiled.*

## MDHS Product Integration of Acoustics Technology

<u>Noise Reduction Features</u>	<u>MD 500E</u>	<u>MD 520N</u>	<u>MD EXPLORER</u>
NOTAR anti-torque system	X		X
Four-bladed tail rotor			
Five-bladed main rotor	X	X	X
Advanced airfoil shape			X
Swept-tip rotor blades			X
Engine exhaust upward venting			X
Low drag rotor hub			X
Engine inlet optimization			X
Max gross weight (lb)	3,000	3,350	6,000
Flyover noise level (EPNdB)	86.7*	80.2	81.9

- The MD Explorer refutes the rule that a bigger helicopter must be a noisier helicopter

\* FAA noise certification data available only for the MD 500E with two-bladed tail rotor configuration

FOR IMMEDIATE RELEASE

MCDONNELL DOUGLAS PIONEERS NEXT GENERATION  
OF QUIET ROTORCRAFT TECHNOLOGY

94-117

WASHINGTON, D.C., May 11, 1994 -- Making the world's quietest helicopters even quieter is the aim of a new technology being developed by McDonnell Douglas Helicopter Systems.

Company engineers have designed a new active flap rotor blade system that is capable of significantly reducing blade vortex interaction (BVI) noise, the irritating "thwap-thwap" sound that is particularly noticeable during a helicopter's descent. BVI noise is created when rotor blades slam into the turbulent air, called the tip vortex, created by the advancing blades.

One-hundred hours of testing in the 14 x 22-foot subsonic wind tunnel at the NASA Langley Research Center in Hampton, Va., recently demonstrated that the active flap rotor is capable of reducing BVI noise by 5 to 10 dB, according to Seth Dawson, a project engineer at the helicopter company.

-more-

## Appendix 15 Page 2 of 2

94-117

Page 2

Because a 10 dB difference is perceived by humans as 50 percent quieter, the technology could create significant competitive advantages for future military and commercial aircraft, especially if it were applied to NOTAR<sup>R</sup> system-equipped helicopters, already the quietest in the world, according to Jon Knapp, resident marketing manager at McDonnell Douglas Helicopter Systems. The NOTAR system replaces the traditional tail rotor for anti-torque and directional control.

Key to the new technology is a series of adjustable flaps, one located at the trailing edge tip of each main rotor blade.

The flaps move up and down at varying rates of speed and amplitude to reduce the strength of the tip vortex. The flaps on the model are actuated by a mechanical control system. However, engineers believe hydraulic, electromechanical or smart material actuators could be used on a production helicopter, Dawson said.

"This is the first time anyone has ever demonstrated a reduction in BVJ noise with an active flap control system," Dawson said. "It's a unique capability and an exciting breakthrough."

By testing various active flap profiles, researchers also demonstrated reduced vibration and studied the impact on performance levels, Dawson said.

-more-

94-117

Page 3

The success of the program strengthens McDonnell Douglas' position as an industry leader in the development of quiet technologies, according to Knapp.

"We pioneered the development of the NOTAR system technology in the 1970s and established a new baseline for quiet performance helicopters," he said. "It's exciting to imagine noise reduction of up to 10 dB on our NOTAR system-equipped helicopters. This could be the foundation for the next generation of quiet helicopters."

McDonnell Douglas manufactures the world's quietest helicopter, the five-place, NOTAR system-equipped MD 520N. First deliveries of the twin-engine, eight-place MD Explorer, also equipped with the NOTAR system, will begin this December.

McDonnell Douglas has proposed building a full-size active flap rotor for demonstration on an MD Explorer rotor in a bid to win a \$4 million smart materials contract from the Department of Defense Advanced Research Projects Agency. McDonnell Douglas, the NASA Langley Research Center and the Army Joint Research Project Office teamed to complete the noise reduction program. In addition to developing the active flap rotor technology, McDonnell Douglas designed and built the one-of-a-kind rotor used for the test.

- 0 -



Quiet Technology Helicopter Usage

Operator Economic Incentives

Airspace entry fee waivers  
Preferential aerial tour altitudes and routes  
Generous airspace entry allocations

Investment tax credits  
Accelerated depreciation schedules  
Tax reduction

Federal  
State  
Local

Government contracts with noise specifications

Longer contracts  
Premium pricing allocations

TESTIMONY  
submitted to

THE HOUSE SUBCOMMITTEE ON AVIATION  
by  
Charles Kauluwehi Maxwell Sr.  
Hawaiian Cultural Specialist

July 18, 1994

CHAIRMAN OBERSTAR, HONORABLE MEMBERS OF THIS COMMITTEE, THANK YOU FOR AFFORDING ME THE OPPORTUNITY TO GIVE TESTIMONY ON WHAT WE CONSIDER TO BE A VERY IMPORTANT SUBJECT IN HAWAI'I.

MY NAME IS CHARLES KAULUWEHI MAXWELL SR. I'M A NATIVE HAWAIIAN AND RESIDE ON THE ISLAND OF MAUI, THE PLACE OF MY BIRTH. I AM HERE AS A HAWAIIAN CULTURAL SPECIALIST, A KUPUNA (Elder), AND A PRACTITCNER ON HAWAIIAN SPIRITUAL VALUES.

THE SUBJECT WE SPEAK ABOUT TODAY IS OVERFLIGHTS OF THE NATIONAL PARKS, AND IN PARTICULAR THE HAWAI'I NATIONAL PARKS. BECAUSE HAWAI'I'S PARKS CONTAIN AREAS OF HIGH CULTURAL SENSITIVITY TO THE HAWAIIAN PEOPLE, WITH NO OBJECTIONS, I WOULD LIKE TO PERFORM A CHANT WHICH BASICALLY ASKS FOR SPIRITUAL ASSISTANCE, GUIDANCE AND ENERGY FROM THE GODS.  
THE TRANSLATION IS BEING SUBMITTED WITH THIS TESTIMONY.

PULE E HO MAI KA IKE  
(Prayer to bring our minds together)

English translation

Bring our knowledge together as one  
From the powers above,  
Seek the hidden skills,  
Of the deepest thoughts  
Come, come come come together.

THANKYOU MR. CHAIRMAN.

WHEN CAPT. JAMES COOK FIRST SAILED INTO HAWAI'I'S WATERS IN 1778, HE WAS AMAZED TO FIND A GROUP OF POLYNESIAN PEOPLE DIFFERENT FROM THE OTHER POLYNESIANS HE MET IN HIS EARLIER TRAVELS. THE LAND WAS UTILIZED AND CULTIVATED IN SUCH A WAY THAT THE POPULATION WAS HEALTHY AND ROBUST. IT WAS ALSO APPARENT THAT THEY DID NOT RELY ON OUTSIDE TRADE AND THEY WERE IN PERFECT HARMONY WITH NATURE. THIS HARMONY IS CLEARLY REFLECTED IN THEIR SPIRITUAL BELIEFS.

COOK DID NOT KNOW THAT THE PEOPLE HE "DISCOVERED" HAD MADE FIRST CONTACT WITH HAWAI'I .BETWEEN THE 3RD AND THE 6TH CENTURY A.D., ON DOUBLE HULLED CANOES FROM THE POLYNESIAN TRIANGLE(TAHITI, NEW ZEALAND AND EASTER ISLAND) WITH ONLY THE STARS AND THE CURRENTS AS THEIR GUIDE ON A VOYAGE OF OVER 3 THOUSAND MILES. THEY BROUGHT WITH THEM EVERY THING THEY WOULD NEED: ANIMALS, PLANTS, AND THEIR GODS AND GODDESSES.

THEIR CHANTS AND LEGENDS TOLD THEM OF THESE ISLANDS AND HOW THEY WERE CREATED BY THE EARTH MOTHER PAPA AND THE SKY FATHER WAKEA. THEY KNEW ALSO THAT THE ISLANDS WERE CHILDREN OF THE GODS AND HOW THE GODDESS PELE (GODDESS OF THE VOLCANO), CREATED THESE ISLANDS THROUGHOUT THE CENTURIES. MY ANCESTORS BUILT HEIAU'S(CHURCHES)KO'A (ALTERS) AND BURIED THEIR ALI'(ROYALTY)IN CAVES AND LAVA TUBES THROUGHOUT AREAS WHICH HAVE SINCE BEEN MADE INTO NATIONAL PARKS. IF THESE AREAS WERE NOT NATIONAL PARKS, THESE SACRED SITES & STRUCTURES WOULD NOT EXIST TODAY.

THERE ARE MANY RELIGIOUS AND SACRED AREAS IN HAWAI'I WHICH HAVE BEEN DESTROYED IN THE NAME OF PROGRESS, AND OTHER PLACES YET MIGHT SUFFER THE SAME FATE IF WE ARE NOT CAREFUL.

AS A YOUTH GROWING UP ON THE SLOPES OF MT. HALEAKALA, WHICH IN HAWAIIAN MEANS "HOUSE OF THE SUN", I WAS PRIVILEGED TO HAVE MADE HUNDREDS OF TRIPS INTO HALEAKALA CRATER. I HAVE VISITED NUMEROUS ARCHAEOLOGICAL SITES INSIDE HALEAKALA AND HAVE PAID TRIBUTE THERE TO MY ANCESTORS. THROUGHOUT THE HAWAIIAN ISLANDS THERE ARE NUMEROUS PLACES THAT THE NATIVE PEOPLE VISIT TO PRACTICE AND TEACH OUR YOUTH THE DIFFERENT SPIRITUAL ASPECTS OF OUR CULTURE. AT THE CORE OF THAT SPIRITUALITY IS A DEEP REVERENCE FOR THE LAND (THE AINA) AND FOR ALL THAT LIVES UPON IT. THE FISH ARE SACRED, THE BIRDS ARE SACRED, THE PLANTS ARE SACRED, EVEN THE ROCKS HOLD SPECIAL MEANING FOR US.

THE STATE OF HAWAII HAS ONE OF THE MOST UNIQUE FAUNA AND FLORA IN THE WHOLE WORLD AND OVER HALF OF ALL THE ENDANGERED NATIVE BIOTA IN THE UNITED STATES IS FOUND IN HAWAI'I. THESE SPECIES HAVE BEEN IMPACTED BY SPRAYING OF CHEMICALS, ENCROACHMENT BY FERAL ANIMALS AND POLLUTION IN GENERAL.

IN THE LAST 10 YEARS HELICOPTER COMPANIES HAVE PROLIFERATED ALL OVER THE ISLANDS. SINCE HURRICANE INIKI FLATTENED KAUA'I IN 1989, MOST OF THE COMPANIES HAVE RELOCATED TO MAUI AND THE BIG ISLAND OF HAWAII. THEY ARE FLYING IN EVERY NOOK AND CRANNY OF MAUI THEY ARE ALL OVER THE SEA COAST, ANNOYING PEOPLE FISHING, WORKING IN THE FIELDS, AND IN GENERAL BEING A NUISANCE. IT IS ADVERTISED ON THE TOURIST T.V. CHANNEL HOW ONE COMPANY FLIES CLOSER THAN OTHERS TO WATER FALLS. THE AD SHOWS TOURIST PERCHED ON LEDGES NEXT TO WATERFALLS DRINKING CHAMPAGNE. THIS INSANITY HAS TO STOP.

AS A HAWAIIAN SPIRITUAL LEADER, I REGULARLY TAKE OUR HULA STUDENTS INTO THE FOREST OR TO THE OCEAN TO TEACH THEM HOW OUR ANCESTORS RESPECTED THE PLANTS AND ANIMALS AND USED NATURE TO TEACH THE MOTIONS OF THE DANCE. THE CHANT AND HULA WERE USED BY MY ANCESTORS TO RECORD IMPORTANT EVENTS OF THE PAST BECAUSE WE HAD NO WRITTEN LANGUAGE. THERE ARE NUMEROUS STYLES OF HULA AND THE OLAPA (ANCIENT STYLE), WHEN PERFORMED, CALLS FOR REVERENCE FOR THE DANCE AND WHAT IT REPRESENTS.

ALL THE MOTIONS MIMIC ANIMALS, FISH, SNAILS, WIND, RAIN, AND THE FEATS OF GODS, GODDESSES, KINGS AND QUEENS OF THE PAST. THERE IS A BIRD THAT IS CALLED APAPANI AND IT DARTS BACK AND FORTH BETWEEN FLOWERS SUCKING THE NECTAR FROM WITHIN. SOME OF THE HULA MOTIONS ARE BASED ON THE BIRD'S FLIGHT AND THIS PARTICULAR BIRD WILL ONLY COME OUT IF THERE IS COMPLETE SILENCE. JUST WHEN THE BIRD APPEARS SO DOES A HELICOPTER FLYING OVER THE TREE TOPS. ALL SENSE OF PLACE IS LOST AND OUR LINK WITH THE SPIRITS IS SHATTERED. THERE IS A SINGING SNAIL, THE KAHULI AKU, AND THIS SNAIL EMITS A HIGH-PICHED SOUND, TO CALL A MATE, WHICH CAN ONLY BE HEARD IF IT IS EXTREMELY QUIET. I CAN NOT TEACH MY STUDENTS TO APPRECIATE THE POWER (OR MANA) OF THIS SNAIL'S TINY VOICE BECAUSE OF THE CONSTANT DIN OF HELICOPTER INTERRUPTIONS.

THE SAME PROFANE INTRUSIONS HAPPEN WHEN WE ARE CONDUCTING CEREMONIES ON TOP OF HALEAKALA OR WAEMEA ON KAUA'I AND AT HALE'MA'UMA'U CRATER ON HAWAI'I. THESE PLACES ARE SACRED TO US. THEY EMBODY FOR US THE POWER AND MAJESTY OF THE CREATIVE FORCES.

IF YOU EVER HAVE THE CHANCE TO VISIT HELEAKALA CRATER, BY FOOT, (NOT BY AIR), YOU WILL AGREE THERE IS NO OTHER PLACE IN THE WORLD LIKE IT. THE ONLY OTHER PLACE THAT RESEMBLES THE INSIDE OF HALEAKALA IS THE MOON. IMAGINE YOURSELF ON THE BOTTOM OF A BOWL 3000 FEET DEEP, AND THIS BOWL IS 21 MILES IN DIAMETER, 7 1/2 MILES LONG 3 1/2 MILES WIDE, AND IN EACH DIRECTION YOU LOOK, THERE ARE TOWERING CINDER CONES MEASURING A THOUSAND FEET IN HEIGHT. AND THE MOST AMAZING THING TO EXPERIENCE IS THE OVERPOWERING QUIETNESS OF YOUR SURROUNDINGS, A TRUE SENSE OF BEING ONE WITH THE ELEMENTS OF NATURE. THEN THERE IS A FAR OFF SOUND FROM THE BLADES OF THE HELICOPTERS CUTTING THE THIN AIR ABOVE THE CRATER, AND IN SECONDS THE SOUND BECOMES THUNDEROUS NOISE THAT WRENCHES YOU BACK TO THE (MECHANICAL) WORLD AND ITS DISTURBANCES. BUT DESPITE HALEAKALA'S TOWERING CINDER CONES AND AWESOME SPECTACLE, IT MUST BE BOURN IN MIND, THAT, AS NATIONAL PARKS GO, IT IS A VERY VERY SMALL PLACE. IT'S A MERE 28,000 ACRES WHICH MAKE IT THE FOURTH SMALLEST PARK IN THE NATION. THE AVERAGE NATIONAL PARK IS APPROXIMATELY 1 MILLION ACRES. HALEAKALA NATIONAL PARK IS 1/35 THAT SIZE. HELICOPTERS ANYWHERE NEAR A PARK OF THIS DIMENSION CANNOT HELP BUT HAVE A DEVASTATING SONIC IMPACT UPON IT.

I STRONGLY RECOMMEND THAT IN ADDITION TO FORMALLY BANNING OVERFLIGHT OF THIS PARK, A 5 MILE WIDE NO-FLIGHT BUFFER ZONE BE ESTABLISHED AROUND THE ENTIRE PERIMETER OF THIS PARK. ONLY THEN WILL IT BE RESTORED TO ITS ORIGINAL CONDITION, AND THE VALUES IT EMBODIES BE PROTECTED AND PRESERVED.

NATIONAL PARKS WITH ITS NATURAL FAUNA AND FLORA SHOULD BE ENJOYED IN A NATURAL STATE AND NO ARTIFICIAL MACHINES SHOULD BE ALLOWED TO DISTURB THE TRANQUILITY.

RESTRICTIONS WILL HAVE TO BE ADOPTED TO ELIMINATE AIRCRAFT, FIXED WING AND HELICOPTERS, FROM FLYING OVER OR EVEN NEAR AREAS THAT ARE NATIONAL PARKS, RAIN FOREST KNOWN TO CONTAIN ENDANGERED BIOTA, AREAS THAT ARE USED BY NATIVE PEOPLE FOR SPIRITUAL AND CULTURAL PURPOSES, NATURAL RESERVES AND OTHER NOISE SENSITIVE AREAS.

I ENCOURAGE ANY LEGISLATION THAT WOULD ACCOMPLISH ALL OF THE ABOVE RECOMMENDATIONS AND THANK YOU FOR GIVING ME, AND THROUGH ME, THE HAWAIIAN PEOPLE, THE OPPORTUNITY TO EXPRESS OUR DEEP CONCERNS ON THIS MATTER.

MAHALO A NUI LOA KAKOU

Thank you everyone

TESTIMONY OF MICHAEL McCLOSKEY  
FOR THE SIERRA CLUB  
REGARDING AIR TOURS OVER NATIONAL PARKS  
BEFORE THE SUBCOMMITTEE ON AVIATION  
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC  
JULY 27, 1994

Mr. Chairman and Members of the Subcommittee,

I am Michael McCloskey and I am Chairman of the Sierra Club, a national environmental group with 500,000 members across the country.

Our organization was founded in 1892 to protect the special natural places of the Earth, starting with the magical Yosemite Valley which became one of our country's first national parks. One of our former directors, Wallace Stegner, once referred to the national park system as the best idea we as a nation ever had. The Sierra Club remains a strong advocate for the integrity of the national park idea, and that means constantly meeting new challenges and addressing new issues.

When our first national parks were created aircraft didn't exist, and overflights were not a problem until recent years at most places. However, today park managers report that aircraft overflights of national park system units are in significant conflict with park visitors in scores of areas throughout the country. Unfortunately, some of the very areas where the potential for solitude and natural quiet are greatest are those places where noise from aircraft overflights, mostly commercial air tours, are most intrusive.

Grand Canyon National Park is to many of us one of the flagship national parks, and certainly one of the most popular with the public. Close to 4.5 million visitors a year see the Grand Canyon by car, foot, mule or raft. From the very beginning through today, park visitors have noted the extraordinary quiet of the canyon -- that is, when they can hear only that.

The Grand Canyon has also become overflowed by hordes of aircraft, virtually all of them commercial air tours operating from outside the park. At the height of the summer season, nearly 1,000 takeoffs and landings a day occur at the Grand Canyon airport at the park entrance community of Tusayan.

Congress first recognized that aircraft noise was an issue at Grand Canyon in the 1975 Grand Canyon Park Enlargement Act, which directed the agency to study the issue and take appropriate steps to correct problems. Not much was done until a tragic midair collision between two Grand Canyon air tour flights made nationwide headlines, and Congress responded with the 1987 National Park Overflights Act.

The 1987 law mandated studies of aircraft overflights at several park units, established interim minimum altitudes during the study period at Haleakala and Yosemite national parks, and was most specific concerning Grand Canyon. There, Congress banned air tours below the canyon rim and authorized the Park Service to develop flight free airspace zones to meet the standard of "substantial restoration of natural quiet".

The resulting plan created four flight-free zones over the central part of Grand Canyon National Park and left air tour corridors in between. Congress asked the Park Service to report back on whether their plan achieved the goal of substantial restoration of natural quiet. According to the Park

Service, it doesn't.

The main problem is that noise travels. So even though 44% of the park area and most of the ground visitors are technically within the boundaries of a flight free zone, the drone of air tours flying around the perimeters of these areas intrudes several miles within on all sides. The result: it's still almost impossible to find a location within the Grand Canyon where the sound of aircraft won't reach you.

Making things worse is the unbridled growth in the air tour industry during the last 20 years. In 1975, there were less than 5000 flights at Grand Canyon airport. When the 1987 law was passed, that had boomed to close to 100,000 takeoffs and landings a year. Today that's gone up to nearly 200,000 annual flight operations with 300,000 expected by the year 2000. So much for the dire predictions of the air tour industry that passage of the 1987 Act would drive them out of business.

Of course, the air tour industry argued in 1987 that there was no problem, just as they argue today that the problem has been solved. At any rate, neither is true.

The industry claims that "substantial restoration of natural quiet" at Grand Canyon has been achieved because the number of complaints about aircraft noise has gone down. While the Park Service and Congress should feel encouraged by the progress that has been made as a result of this first try, the standard of natural quiet still hasn't been met in most of the park. It is important to note that one third of the backcountry visitors surveyed by the Park Service still thought there was a problem with aircraft noise; these are the people who have worked the hardest and have spent the most time trying to get away from mechanized noise, yet have the most difficulty finding a truly quiet spot even in the vastness of the Grand Canyon.

The air tour industry argues that they are providing an important alternative way to see the park. But this alternative simply isn't needed, nor acceptable. Almost the entire Grand Canyon can be seen from rim overlooks accessible by car. Almost every air tour passenger says they'd come to the Grand Canyon even without air tours available. Air tours are heavily marketed worldwide, including in brochures in several languages. It is not acceptable to sacrifice the unique natural experience of the Grand Canyon, or any of our other national parks, to feed the cash registers of the commercial air tour industry.

The air tour industry tries to make much of providing access to the park for those who aren't physically able to experience it another way. Except that there are other ways. For those who wish to or have to avoid a gruelling hike, there are numerous rim overlooks accessible by car and wheelchair, and there are mule rides and river trips led by professional guides which serve the needs of special populations. The overriding fact, though, is that almost all of the air tour passengers are quite healthy and able to see the canyon in other ways, and most in fact do so already in addition to taking an air tour.

In crafting the 1987 Act, Congress carefully retained the existing jurisdictions of the Park Service and the Federal Aviation Administration. The Park Service at Grand Canyon was to develop a plan which protected the



natural quiet of the park, while the FAA retained final word on modifying the plan for legitimate safety reasons and remained the enforcement agency over the airspace. Both agencies remained in charge of what they do best.

The Sierra Club recognizes that the Grand Canyon is the model within the Park Service for aircraft noise issues. Our experience so far leads us to make the following recommendations:

- \* Other park system units need formal recognition of the value of natural quiet, as provided by the 1987 Act for Grand Canyon National Park, and should develop plans to restore natural quiet where appropriate.
- \* The Park Service needs to be able to restrict or simply ban air tours to the degree necessary to protect the park unit's natural quiet. Most parks are smaller and have fewer air tours than the Grand Canyon, so preventing problems from starting should be easier than efforts to correct abuses at Grand Canyon.
- \* Any aircraft management plan should recognize that the only truly effective way to restore and protect natural quiet is to require large flight-free areas.
- \* Where aircraft remain, those who use the airspace regularly, such as commercial air tours, should be using the quietest aircraft available.
- \* Limits on the number of air tours over national parks, where air tours are allowed to remain, should be regulated by the Park Service, just as limitations on every other park activity exist to protect the resources for all.
- \* The best way to address both safety and natural quiet issues is to limit the number of aircraft flying. The quietest and safest skies have no aircraft at all.

Thank you for this opportunity to testify before you today. We hope to work closely with the Subcommittee on this issue in the future to assure that our national park system remains an enduring natural legacy for generations to come.

STATEMENT OF JOHN REYNOLDS, DEPUTY DIRECTOR, NATIONAL PARK SERVICE  
DEPARTMENT OF INTERIOR, BEFORE THE HOUSE COMMITTEE ON PUBLIC WORKS  
AND TRANSPORTATION, SUBCOMMITTEE ON AVIATION, CONCERNING THE STATUS  
OF AIRCRAFT OVERFLIGHTS OF NATIONAL PARK SYSTEM LANDS.

July 27, 1994

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Chairman Oberstar and members of the Subcommittee, thank you for inviting me to appear before you today. I am delighted to have the opportunity to report on our progress in responding to the National Park Overflights Act of 1987 (Public Law 100-91) and, especially, on our progress in working cooperatively with the Federal Aviation Administration (FAA) and the Department of Transportation (DOT) to address issues related to aircraft overflights of National Park System lands.

I am also pleased to tell you that the draft of the National Park Service's Report to Congress required by the 1987 Act was forwarded to the FAA for comment last week, on July 15th. We expect to transmit the completed Report to Congress on September 12, 1994. I should mention that we are chagrined and embarrassed at the length of time we have taken in completing the report. We encountered a number of particularly thorny technical issues that took much longer than we had anticipated to resolve but we should have done better. For the delay, we apologize.

There are adverse effects on visitors, wildlife, and the integrity of natural and cultural sites and resources resulting from aircraft overflights. However, the joint commitment of the Departments of

Transportation and Interior, with far greater cooperation between FAA and NPS than could have been imagined several years ago, is resulting in what we think is substantial progress towards more effectively addressing these issues:

Today, the Park Service's goals are: (1) to protect natural quiet as an inherent resource in parks, (2) to ensure that visitors to the Nation's park lands can enjoy them in an unimpaired state, and (3) to reduce existing adverse effects and prevent additional adverse impacts on parks from developing, through this Administration's commitment to finding new ways of addressing issues such as interagency cooperation.

The adverse effects from overflights of park lands continue to be of concern to the National Park Service. In areas of heavy operations, such as Grand Canyon or Haleakala National Park, aircraft noise is heard up to 70 - 80% of the daytime in some areas. At certain locations in parks, as many as 40 planes per hour have been recorded passing one area. Because most visitors find the quiet and solitude of parks to be central to their park experiences, its absence can be noticeable.

While noise is the most readily apparent effect of planes or helicopters flying over or near parks, the problem is not restricted to noise -- the mere presence of a plane can be equally problematic in certain places and at certain times -- either because the sight of an airplane between the visitor and Mount Rushmore or the Statue of Liberty does not "belong" in that setting

or because the visitor seeks an experience away from the modern world where an airplane, or many of them, becomes a constant reminder of the world he or she hoped to have left behind.

Noise from automobiles, trucks, trains and other vehicles can pose a problem in some parks at some times. The difference between the two, however, is that for all except aircraft, Congress has given the NPS the regulatory tools and jurisdiction to deal with them. All airspace, including that over National Park System lands, falls under the jurisdiction of the FAA.

The Park Service has no interest in controlling airspace; we believe FAA is the appropriate entity to control airspace. The resolution of these issues will necessarily involve FAA using its statutory and regulatory jurisdiction over the airspace and air commerce to meet NPS mandates to protect resources and park experience. Working together, with a commonly held commitment, we can do more to protect park resources than either agency could accomplish alone.

#### Current efforts

In the last year, through the efforts of Secretaries Pena and Babbitt, the relationship between the NPS and the FAA has greatly improved. The two Secretaries established an interagency working group to address the broad array of issues related to overflights and parks.

**ANPRM:** The first official action of the working group was indeed an historic one; for the first time, the FAA and NPS jointly published an Advanced Notice of Proposed Rulemaking in the Federal Register on March 15, 1994, to solicit comments and recommendations from the public, the industry and others on policies and potential courses of action to deal with commercial air tours over units of the national park system. The intent of the ANPRM was to lay out a number of potential options for evaluation and to give the Interagency Working Group the opportunity to describe what it believes to be the problems.

Among the potential solutions being examined for their technical feasibility and their ability to address NPS concerns as part of the ANPRM process are air space designations (such as air corridors and flight-free zones), altitude restrictions, flight-free-time periods, noise budgets, and quiet aircraft technology incentives and requirements.

The comment period on the ANPRM closed on July 15, 1994 and we -  
- FAA and NPS, together -- are looking forward to seeing what innovative ideas and suggestions have been contributed. The working group intends to respond to the ANPRM in three parallel tracks -  
- Grand Canyon issues, Hawaii issues, and general policy issues. We can assure the Subcommittee that we have reached no conclusions on any of the issues raised by the ANPRM. We will be carefully evaluating the over 2000 comments we have received on the ANPRM before jointly developing an Administration position on these important issues.

**Voluntary Actions:** FAA and NPS have also watched with interest measures by the air tour industry to voluntarily take action to improve the situation. Helicopter tour operators at Haleakala National Park agreed in February of this year to a voluntary, three-month trial program to implement controls similar to those contained in Rep. Patsy Mink's H.R. 1696, including keeping the majority of flights outside park boundaries, closing certain areas to overflights, and establishing minimum altitudes for those areas still open inside the park. Further, it is our understanding that the Hawaii Helicopter Association has indicated that the industry has not lost any business as result of these voluntary restrictions.

A similar tentative agreement was reached last year at Hawaii Volcanoes National Park but is not in effect yet. The effectiveness of these informal arrangements is as yet undetermined, but they are good starts and may serve as models for other parks.

Through the efforts of the Governor of Arizona, the Grand Canyon Trust and the helicopter operators at Grand Canyon National Park, a short-term voluntary agreement to limit the growth in numbers of flights when the operators move to the Grand Canyon National Park airport was negotiated. FAA and NPS want to ensure that the moves to the airport will not result in additional operations over the park. Such agreements may demonstrate what can be accomplished

through voluntary measures and what must be the subject of regulatory action.

#### Report to Congress

The Report to Congress for their review and comment, is important in several regards. First, it summarizes in one comprehensive document the results of many studies on the effects of overflights on parks, their visitors and resources. Second, it enumerates National Park Service priorities for reducing these impacts -- national goals as well as criteria for making park-by-park determinations on how policy should be implemented. Third, it lists park units where aircraft impact reduction efforts should be targeted as our highest priority.

The report demonstrates that despite initial efforts to address overflight problems were sound, the success of those efforts have been offset by the incredible growth in the air tour industry. It was reported last year that in 1977 there were 4,610 air operations from the Grand Canyon Airport in Tusayan (a flight operation is a take-off or landing, including helicopters). By 1992, there were 173,732 -- a 37-fold increase. And not all overflights of the park result in a take-off or landing from the Grand Canyon National Park Airport. There was a 22 per cent increase in air traffic operations from 1986 to 1987 alone. Thus, it is possible that the substantial benefits of redirecting air traffic to reduce effects on resources and visitors in an area through quieter aircraft or height limitations may be overwhelmed by an increase in the overall number of flights.

### National Park Service Objectives

In all likelihood, the numbers of air tours will continue to increase -- at both the parks where air tours currently exist and where they have not yet been established. Given the nature and severity of overflight impacts already prevalent in certain parks, it is more efficacious to prevent problems from developing than to solve them each time a situation arises in a new park or a different area.

Existing problems at Grand Canyon, Haleakala National Park, Hawaii Volcanoes National Park, and the Statue of Liberty, among others, are the subject of intense work between the two agencies. In addition to prevention of problems, the degradation of park resource conditions and visitor experience must be reversed and the areas restored so that natural quiet continues to be a resource for future generations of park visitors.

### What is needed

We are working with FAA to create a national policy on park overflights, with criteria for applying that policy to individual park units. Within this policy we hope to be able to include an explicit recognition of natural quiet and the quality of park experience as scarce national resource. We intend also to develop conflict resolution processes as part of the policy.

Given the complexity of the types of problems and special circumstances at each park, solutions will need to be creative and will necessarily require different ways of looking at how agency



authorities and mandates can be viewed and used as they have not been in the past. Above all, we intend that the policy will address long-term protection needs in addition to redressing problems in the short-term.

The NPS recognizes that management of the airspace is the responsibility of FAA and does not seek to infringe upon its authority or responsibility. However, since NPS is charged with the responsibility to "preserve ... unimpaired" the sites in its care and to prevent derogation of the values and purposes for which they were established, the FAA should control the airspace to NPS standards. We have received assurance from FAA that NPS concerns will result in FAA assistance and that actions taken will be satisfactory to NPS as well as FAA. We have unparalleled cooperation from DOT and FAA. It is our intent that this cooperation will result in a regulatory framework based on the ANPRM that sets forth clear direction with an explicit recognition how much can be accomplished by using both agency's authorities to protect park resources and visitor experience.

Mr. Chairman, the Department of the Interior is deeply committed to protecting the integrity of our national parks and the enjoyment they provide to all their visitors. While recent cooperative efforts in this Administration hold promise for such a goal, there is still much work to be done, more outreach to be attempted, and better understanding of the problems to be acquired.

I would be please to respond to any questions. Thank you.

Before the  
Subcommittee on Aviation  
Committee on Public Works and Aviation  
2167 Rayburn House Office Building  
July 20, 1994

Legislation and Regulations  
affecting  
Scenic Overflights  
Above national parks

Testimony of

Raymond J Rought  
Director  
Office of Aeronautics  
Minnesota Department of Transportation

Raymond J Rought  
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Richard L. Theisen  
Environmental Coordinator  
Office of Aeronautics  
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Phone (612) 296-2552

Mr. Chairman, members of the Committee, my name is Raymond J Rought. I am the Director of the Minnesota Department of Transportation's Office of Aeronautics. My office is charged with developing and promoting aviation in the State of Minnesota. It provides technical and financial assistance to municipalities for airport development and maintenance; guides aviation planning; oversees a system of state owned aids to air navigation; licenses and regulates commercial operators who provide aviation services; registers aircraft and carries out special projects to enhance and promote aviation.

I thank the Committee for the opportunity to testify on this matter of great importance to aviation. The issue is whether aviation, due to its unique capabilities, should be singled out for special treatment with regard to the national park system.

I am troubled by the bias demonstrated in the ANPRM. For example, quoting from the ANPRM: "Secretary Babbitt and Secretary Peña concur that increased flight operations at the Grand Canyon and other national parks have significantly diminished the national park experience for park visitors, and that measures can and should be taken to preserve a quality park experience for visitors." This strongly suggests that the Departments of Transportation and the Interior are determined to take action, whether or not that action is warranted.

A "quality park experience" can mean different things to different people. For some, it could mean viewing the natural grandeur of a park from an airplane; something the US DOT and the National Park Service seemed determined to restrict.

The Advanced Notice of Proposed Rulemaking (ANPRM) states that the agencies anticipate that "... any regulations eventually developed would be general in nature and applicable to the entire national park system" (*Federal Register*, March 17, 1994, page 12745). Because of the great diversity among the parks in the national system, we think it highly unlikely that one set of rules would, or could, fit them all. I am concerned that an action taken to remedy a perceived problem in one location may have unforeseen adverse consequences elsewhere.

Any attempt to apply a single set of rules uniformly across the national park system would very likely result in over-regulation in some places and possibly insufficient controls in others. Each case should be evaluated on its own merits and controls should be established only where a substantial need is shown.

In Minnesota, for example, banning or restricting flights over the Voyageurs National Park could be detrimental to aviation safety, due to restrictions already in place over the nearby Boundary Waters Canoe Area (BWCA). The eastern edge of the Park is less than a half mile from the western boundary of the BWCA. Flight over the BWCA is prohibited below an altitude of 4,000 feet MSL. Comparable restrictions over the Park would leave a

very narrow corridor for aircraft to transit the area at low altitude.

Since both American and Canadian customs are available at seaplane bases in the area, there is a significant amount of low altitude seaplane traffic. Airspace restrictions would cause these aircraft to operate in closer proximity to each other than would normally be the case. This could result in safety problems, particularly in periods of low ceilings and visibilities.

In another Minnesota case, a county district court judge permanently enjoined aircraft landing at or taking off from a small private airport in Wisconsin from overflying, below an altitude of 2,000' MSL, a Minnesota state park or the Minnesota side of a portion of a river valley. The ruling does not address low flying aircraft which are not landing or taking off from the private field.

If allowed to stand, this ruling would also set a precedent which could result in the proliferation of local rules governing the use of the airspace, confusing pilots and potentially degrading aviation safety. Therefore, in the interest of safety, there is a need for as high a degree of uniformity as possible in airspace regulations. Federal rules must preempt state and local attempts at regulating the flight of aircraft. The FAA must be the final decision-maker on all matters relating to airspace and the flight of aircraft.

The ANPRM asked a number of questions on policy and technical issues. I will respond to those each of those questions.

The first policy question was:

"1. Should commercial sightseeing flights be prohibited over certain national parks? If so, what criteria should be used in determining which parks should not have such tours?"

A ban on commercial sightseeing flights is not appropriate under any circumstances. Some restrictions might be appropriate in a limited number of cases, but a ban is unwarranted, except in an extreme case. This might be the case, for example, in a critical habitat for an endangered species during the breeding season.

The publication of this Advanced Notice of Proposed Rulemaking is, in itself, a recognition of the popularity of the air tours. The number of people taking air tours demonstrates a significant public demand for such services. Thus, a ban on air tours at any park would deprive a significant segment of the public of their preferred way to experience the park. The Park Service should explore ways to permit the public to enjoy the parks. It should not be advocating measures that could turn significant numbers of

people away.

The second policy question was:

"2. Should action pertaining to aircraft overflights in national parks be considered only for air tour/sightseeing operations? What circumstances would include other categories of overflights?"

The right of overflight of the parks must be guaranteed. It should not be encumbered by burdensome restrictions not related to safety. Regulations governing operations in and near the parks should be kept as simple as possible, consistent with operational safety. Airspace changes over the parks could result in a need to make other changes in the airspace structure outside the area of immediate concern. Thus, changes in airspace over parks could affect a much wider area, interfering with air traffic that has no connection with any park.

The final policy question was:

"3. What factors should be considered by NPS and FAA in evaluating recommendations for addressing aircraft overflight issues?"

The FAA's primary concerns must be aviation safety and the operation of the airspace and air traffic system, not whether or not visitors have a "quality park experience." The FAA must not allow the National Park Service's concerns about the "national park experience" to interfere with the safe, efficient operation of the nation's airspace.

The ANPRM cites the long waiting periods (in some cases up to five years) that must be endured by those who wish to partake in certain park activities (e.g., camping, rafting, mule trips) at the Grand Canyon. Air tours greatly expand the number of people who can see the park, without degradation of the resource.

Visitors who see the park from the air do not have the same physical impact on the park as those on the surface. Aircraft noise is a transient, non-cumulative impact. Studies indicate that wildlife quickly become acclimated to even high levels of environmental noise. The presence of people on foot, on rafts or on mules, in the habitat is more disruptive to the flora and fauna and, inevitably, has a greater impact on park resources.

The ANPRM cites as the purpose of the parks: "... to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations [emphasis added]." Air tours from airports outside the park consume none of the physical

resources of the park. Therefore, they come closer to meeting the stated purpose for the parks than visits by campers, hikers, etc.

The first technical question was:

**"1. Is the use of quiet technology aircraft a viable alternative for reducing noise from commercial air tour/sightseeing operations in national parks?"**

New technology may be a partial answer and should be thoroughly investigated. Advances in quiet technology for piston powered aircraft engines have been less dramatic than for jets. Piston engines power most, if not all, of the aircraft being used by tour operators. Thus, technology will help abate future noise impacts, but immediate dramatic remedies are not on the horizon.

Aircraft noise impacts can also be attenuated by distance. Therefore, simply establishing minimum altitudes over the most noise sensitive areas could allow tour flights to operate without excessive noise impacts for those on the ground.

**"2. Should all commercial air tour/sightseeing operations be conducted under air carrier rules for FAR part 135 and/or 121?"**

Unless there are compelling safety reasons for changes, operators should be allowed to continue to operate under present regulations.

**"3. Should air carrier operators be required to have special operations specifications for conducting sightseeing flights?"**

In the absence of extraordinary circumstances or significant problems, the present regulatory framework should not be changed just for the sake of change.

**"4. Should there be special airspace rules for identified units of the national park system?"**

An unnecessary proliferation of rules could contribute to the problem, rather than being a solution. The greater the number of rules, the greater the chance of someone inadvertently violating them and causing problems for himself and/or others. In such a case, a regulation could have an adverse impact on safety instead of improving it. Therefore, special airspace rules should be enacted only where there is a demonstrated need for them.

**"5. Should the measures developed for Grand Canyon and Hawaii become models for more general use at parks with actual or potential overflight impacts?"**

As noted above, the unique circumstances of each case must be

considered. Measures that are appropriate at one location may be totally unsuitable at another. The examples I cited from my own state show the need to examine each individual case carefully to prevent unforeseen negative consequences. For this reason, an action taken in one instance should not necessarily be viewed as a precedent for action in another.

### III. Conclusions

In summary, I question the need for a radical overhaul of regulations governing air traffic over the national parks. There is little evidence of a system-wide crisis. Problems unique to certain parks call for solutions unique to the local circumstances. There is no need to burden the whole system with excessive restrictions because of isolated problems.

In my opinion, this should not be an either/or situation; pitting surface visitors against air tours. If all parties are willing to listen to other points of view, it should be possible to find ways to accommodate air tours without excessive impacts on other visitors.

**TESTIMONY  
submitted to**

**THE SUBCOMMITTEE ON AVIATION  
U.S. HOUSE OF REPRESENTATIVES**

**by  
Barry Stokes, President  
Citizens Against Noise**

**July 27, 1994**

Good morning, Chairman Oberstar, and Subcommittee Members:

My name is Barry Stokes, President of the statewide organization in Hawaii, Citizens Against Noise. Citizens Against Noise is a member of the Hawaii Citizens' Coalition on Tour Aircraft, which has asked the Sierra Club Legal Defense Fund, Inc. to submit a formal Petition to the FAA on behalf of 13 statewide community and environmental groups representing over 10,000 Hawaii residents to mitigate the noise associated with tour aircraft.

I have been a member of the State Helicopter and Tour Aircraft Advisory Council since 1986; Technical Advisory Committee Member for the Hawaii State Helicopter System Plan since 1988; and, for four years, was Helicopter Safety Coordinator for the U.S. Geological Survey's Hawaiian Volcano Observatory, where I was employed from 1981 to 1992. I am a member of the Sierra Club, the Conservation Council for Hawaii, the Tour Aircraft Control Coalition, and the Hawaii Coalition of Conservation Voters.

In the past several years, I have been witness to an aviation management crisis over our National Parks in Hawaii. The FAA, which presently maintains sole authority over United States airspace, merely advises pilots to keep a minimum of 2000 feet above ground level over Parks and wilderness areas, but this advisory is routinely ignored.

Visitors from around the world visit Hawaii's National Parks because Hawaii Volcanoes and Haleakala are both world biosphere reserves; because these Parks are home to many endangered plants and animals found nowhere else in the world; and because they offer solitude, peace, and quiet. These Parks have been set aside because each unit possesses some rare quality that is worthy of preservation in its pristine state. However, it is no longer possible to find solitude in any portion of our National Park system in Hawaii. Unregulated aircraft overflights are creating significant conflicts between different users of our National Parks.

There are no established voluntary or federal regulatory guidelines that the industry routinely follows to reduce their sonic impact on National Parks, or below the residential flyways they have established to reach Park destinations. Citizens Against Noise is astonished at the increasing lack of sensitivity and arrogance displayed by the air-tour operators, pilots, and their professional paid lobbyists, who care little about the sonic impact on persons on the ground. The industry's belligerent attitude and narrow view of the problem has resulted in enormous stress to both our resident and visitor populations. This attitude has brought on a hatred of this industry across the islands that I am sorry to report grows stronger each year. As evidence, we submit nearly 800 individual pieces of media on the issue we have collected since 1987 as a supplement to our testimony.

Over the years, I have attended dozens of hearings at the State and County level on the issue of aircraft control over National Parks, only to be told that aircraft control is strictly a federal issue, and FAA must exclusively impose those rules and enforce them. I attended the recent FAA hearings in January 1994 on two of four major islands, where I repeatedly heard citizens asking for airborne noise relief from tour aircraft over their homes, workplaces, and parklands. Mr. Brian Calendine of the FAA and others present here who attended will attest to that fact. I have here before me copies of the transcripts of those hearings, documenting hundreds of persons who testified before the FAA that federal aviation regulations for tour aircraft are sorely lacking in our state.



**SUBCOMMITTEE ON AVIATION  
JULY 27, 1994  
PAGE TWO**

Chairman Oberstar, I deliver to you letters of support from two members of the Hawaii County Council in support of the bills you are hearing today. I also submit to you copies of two resolutions unanimously passed by the Hawaii County Council in supporting control of the tour aircraft industry in Hawaii. I also submit a copy of Hawaii State Senate Concurrent Resolution No. 115, passed by both Houses of the State Legislature, supporting the Petition to the Federal Aviation Administration, via the Sierra Club Legal Defense Fund, to control tour aircraft in the state of Hawaii. Our recently-reformed Democratic Party in Hawaii also just passed a Resolution at the Statewide Convention, asking for stricter controls on the growth and activities of tour aircraft in our state.

Hawaii has attempted to address the issues of managing the growth of the tour aircraft industry via the State Department of Transportation (Airports Division). In 1989, after a lengthy and expensive consultation process, Hawaii adopted the State Helicopter System Plan, as mandated by the State Legislature. A copy of this plan is available for review by members of the Subcommittee. Citizens Against Noise has also encouraged the State, via nearly eighty pieces of proposed legislation over the past eight years, to continue in its attempts to address tour aircraft problems, particularly as an exercise of its jurisdiction over airports, and through the application of air tour permits for those tour operators who use the State's airport facilities. But it is you, the Federal Government, which controls airspace. That is why we have come before you and your Subcommittee today, Chairman Oberstar. We ask for you to legislate stricter controls of the air-tour industry, for noise reduction, and for the safety of our visitors and residents. We ask that you legislate on behalf of the public's interest via the two bills you are hearing today, Congresswoman Patsy Mink's H.R. 1696, and Representative Williams' H.R. 4163, which would control tour aircraft over National Parks in Hawaii, and nationwide, respectively.

Given the documentary evidence of public outrage over the impact of tour helicopter operations in Hawaii, we respectfully request that the Subcommittee on Aviation consider the following. Until such time as comprehensive national regulations are in place, instruct the FAA to issue, without further delay, a Special Federal Aviation Regulation (SFAR) for the State of Hawaii stipulating the following:

First, equip all tour helicopters with inflatable pontoons and personal floatation devices to prevent yet another occurrence of drowning deaths following over-water helicopter engine failures;

Second, route all air-tour traffic to the National Parks over sea-routes to reduce the noise impact on residential areas;

Third, require all such flights be at least one mile offshore, and flown at 6,000 feet above sea level;

Fourth, install the Noise Abatement Performance Evaluation System (NAPES) technology to track violators of the SFAR's; and

Sixth, mandate that overflights of residential areas, regardless of population density, be conducted at no less than 8,000 feet above ground level.

The time has come to halt the needless despoliment of our homes, recreational areas, and National Parks by the noise pollution of air-tour profiteers. Chairman Oberstar and Subcommittee members, you, as representatives of the will of the people, have it in your power to restore peaceful skies and peaceful parks to your constituents. I trust that your sense of higher purpose will see the good sense in these recommendations. We thank you for this opportunity to comment.

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## SENATE CONCURRENT RESOLUTION

URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE SIERRA CLUB LEGAL DEFENSE FUND'S FORMAL PETITION WITH THE FEDERAL AVIATION ADMINISTRATION TO CONTROL TOUR AIRCRAFT IN THE STATE OF HAWAII.

1           WHEREAS, a statewide coalition of a dozen community and  
2 environmental groups have filed a formal petition with the  
3 Federal Aviation Administration (FAA) requesting adoption of  
4 new regulations to control low-flying tour aircraft in the  
5 State of Hawaii; and  
6

7           WHEREAS, the Sierra Club Legal Defense Fund, which is  
8 representing Citizens Against Noise, the Tour Aircraft Control  
9 Coalition, the Sierra Club, Conservation Council for Hawaii,  
10 Big Island Rainforest Action Group, Black Sands Beach Property  
11 Owners Association, Puna Outdoor Circle, Maui Air Traffic  
12 Association, Waialae 'Iki Ridge Parks Beautification  
13 Association, Hawaii's Thousand Friends, 1000 Friends of Kauai,  
14 and Life of the Land, has presented the citizens' plea directly  
15 to FAA officials visiting Hawaii in January, 1994 to hear  
16 public testimony on the issue; and  
17

18           WHEREAS, a petition was submitted on January 24, 1994 by  
19 the Sierra Club Legal Defense Fund to the FAA, requesting a  
20 two-mile altitude and stand-off buffer around noise sensitive  
21 areas, but such request may be burdensome and impractical; and  
22

23           WHEREAS, the request would require large aircraft  
24 markings, institute new pilot training and certification  
25 requirements, add safety requirements such as pontoons and  
26 floatation devices, and require operators to carry automatic  
27 monitoring systems to detect violations; and  
28

29           WHEREAS, although the petition is not a lawsuit, and the  
30 FAA has discretion to adopt appropriate regulation, it  
31 nonetheless has a clear legislative mandate to regulate  
32 aircraft noise; now, therefore,  
33

34           BE IT RESOLVED by the Senate of the Seventeenth  
35 Legislature of the State of Hawaii, Regular Session of 1994,  
36 the House of Representatives concurring, that the State

1 Department of Transportation is requested to petition the  
2 Federal Aviation Administration to support the Citizens'  
3 Petition as presented by the Sierra Club Legal Defense Fund;  
4 and

5  
6 BE IT FURTHER RESOLVED that the Department is requested  
7 to report to the Legislature on the FAA's response to the  
8 petition no later than twenty days prior to the convening of  
9 the 1995 Regular Session; and

10  
11 BE IT FURTHER RESOLVED that certified copies of this  
12 Concurrent Resolution be transmitted to the Director of  
13 Transportation and each member of Hawaii's Congressional  
14 Delegation.

## COUNTY OF HAWAII STATE OF HAWAII

RESOLUTION NO. 17 93  
(DRAFT 2)

WHEREAS, our Hawaii Volcanoes National Park is subject to a problem of helicopter overflights by those companies or individuals operating in clear violation of FAA regulations; and

WHEREAS, such flights are dangerous and have resulted in a recent incident of an accident in an active crater; and

WHEREAS, our National Park exists to preserve our native flora and fauna; and

WHEREAS, helicopter noise is disturbing to the park personnel and to our visitors as well as the wildlife within the park; and

WHEREAS, in the past five years helicopters over the National Park increased from 30% of the time to over 80%; and

WHEREAS, Grand Canyon National Park has mandated no flight zones over the Canyon; and

WHEREAS, the Federal Aviation Agency is now mandated to enter into Memoranda of Agreements with the National Parks Service and the Fish and Wildlife Service to restrict and monitor helicopter flights including setting minimum altitudes, flight free zones and minimum heights above people assembled on the ground.

NOW THEREFORE BE IT RESOLVED, by the Council of the County of Hawaii that it request the FAA to enter into an Intersagency Agreement with the Hawaii Volcanoes National Park to set standards for helicopter flights over the Park, including other regulations that will insure the safety of people and wildlife in the Park; and

BE IT FURTHER RESOLVED that the State Department of Land & Natural Resources explore with the FAA similar rules regarding flights over state area reserves and other sensitive areas; and

BE IT FURTHER RESOLVED that the Clerk of the County of Hawaii transmit copies of this Resolution be sent to John Gordon, Regional Administrator, Federal Aviation Agency, to Governor John Waihee, William Paty, Chairman, Department of Land and Natural Resources, to Hugo Huntzinger, Superintendent, Hawaii Volcanoes National Park and Richard Wess, Refuge Manager, Hakalau Forest National Wild Life Refuge.

Dated at Hilo, Hawaii this 24th day of March, 1993.

INTRODUCED BY:

Wesley Nakale  
COUNCILMEMBER, COUNTY OF HAWAII

Charles Brock Abramson  
COUNCILMEMBER, COUNTY OF HAWAII

COUNTY COUNCIL  
County of Hawaii  
Hilo, Hawaii

ROLL CALL VOTE

	AYES	NOES	ABS	EX
ARAKAKI	X			
BONK-ABRAMSON	X			
CHILDS	X			
DE LIMA	X			
DOMINGO			X	
HALE	X			
RATH	X			
ROSEHILL				
SCHUTTE	X			
	7	0	1	
Reference	C-110/HS&PWC-5 (Amended)			

by certify that the foregoing RESOLUTION was by dictated to the right hereof adopted by the COUNCIL of Hawaii on March 24, 1993

*Charles Brock Abramson*

## COUNTY OF HAWAII - STATE OF HAWAII

RESOLUTION NO. 101 93  
(DRAFT 4)

CONCERNING STATIONING OF FAA PERSONNEL ON THE BIG ISLAND OF HAWAII

WHEREAS, the Council of the County of Hawaii recognizes that lack of enforcement of existing laws and regulations that apply to low flying helicopters and aircraft over residential and Hawaii Volcanoes National Park is an ongoing problem; and

WHEREAS, such flights pose a serious, ongoing nuisance to many residents; and

WHEREAS, the Federal Aviation Administration (FAA) has the authority and responsibility to monitor and enforce existing laws governing the aviation industry; and

WHEREAS, personnel at the Hawaii Volcanoes National Park, members of the public, and the Council of the County of Hawaii have been frustrated in their attempts to deal with the problems posed by low flying helicopters and aircraft in large part because the FAA has not stationed any personnel on the Big Island of Hawaii; and

WHEREAS, such flights caused the expenditure of government funds to man rescue operations; and

WHEREAS, the Council of the County of Hawaii believes that the stationing of FAA personnel on the Big Island of Hawaii is essential to the enforcement of existing laws and regulations governing the tour aircraft industry; and

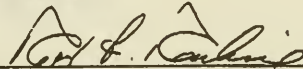
WHEREAS, the newly established Noise/Nuisance Abatement Performance Evaluation System (NAPES) offers a potential long term remedy to existing problems.

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Hawaii that it urges Hawaii's congressional delegation to station FAA personnel on the Big Island of Hawaii.

BE IT FURTHER RESOLVED that the Clerk of the County of Hawaii transmit copies of this resolution to Senator Daniel K. Inouye, Senator Daniel K. Akaka, Representative Patsy T. Mink and Representative Neil Abercrombie.

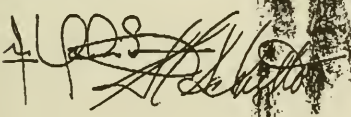
Dated at Hilo, Hawaii, this 20th day of October, 1993.

INTRODUCED BY:

  
 \_\_\_\_\_  
 COUNCILMEMBER, COUNTY OF HAWAII

COUNTY COUNCIL  
 County of Hawaii  
 Hilo, Hawaii

I hereby certify that the foregoing RESOLUTION was by the Council of the County of Hawaii as stated to the right hereof adopted by the COUNCIL of the County of Hawaii on October 20, 1993.



ROLL CALL VOTE				
	AYES	NOES	ABS	EX
ARAKAKI	X			
BONK-ABRAMSON	X			
CHILDS	X			
DELMA	X			
DOMINGO	X			
HALE	X			
RATH	X			
ROSEHILL	X			
SCHUTTE	X			
	9	0	0	0

Reference C-563/HS&PWC-62

Department  
of Transportation  
Aviation  
Administration

# STUDY OF HELICOPTER OPERATIONS IN THE STATE OF HAWAII



Prepared by: **FLIGHT STANDARDS DIVISION**

**WESTERN PACIFIC REGION**



STUDY OF HELICOPTER OPERATIONS  
IN THE STATE OF HAWAII

Final Report

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FEDERAL AVIATION ADMINISTRATION

TABLE OF CONTENTS

	<u>Page</u>
I. PURPOSE OF THE STUDY . . . . .	1
II. CONDUCT OF THE REVIEW . . . . .	1
III. FACTS BEARING ON THE ISSUE . . . . .	2
A. Air Transportation and Commerce in the State of Hawaii . . . . .	2
B. Helicopter Operations on the Island of Oahu . . . . .	2
C. Helicopter Operations on the Island of Kauai . . . . .	3
D. Helicopter Operations on the Island of Maui . . . . .	3
E. Helicopter Operations on the Island of Hawaii . . . . .	4
F. Safety Record of Helicopters in the State of Hawaii . . . . .	4
G. Applicable Federal Aviation Regulations (FARs) . . . . .	4
H. Listening Sessions . . . . .	4
IV. FINDINGS . . . . .	4
A. Radio Communications . . . . .	4
B. Lihue Helicopter Parking Area . . . . .	5
C. Flight Routes on Typical Sightseeing Tours . . . . .	6
D. Fuel Handling Procedures . . . . .	8
E. Applicability of 14 CFR 135 to Sightseeing Operations . . . . .	9
F. Air Traffic Procedures . . . . .	10
G. Notification Requirements of 14 CFR 157 . . . . .	10
H. Coordination between Users . . . . .	10

## APPENDIX

## I. PURPOSE OF THE STUDY OF HELICOPTER OPERATIONS IN THE STATE OF HAWAII

The study of helicopter operations in the State of Hawaii was undertaken to determine what effect increased use of the helicopter, particularly in tourism, will have on the National Airspace System. The study will assist the Federal Aviation Administration in determining how best to promote civil aviation and insure its safe and orderly growth in the Islands. The study reviewed air traffic conditions, heliport operations, routes, and other safety related matters which identified opportunities for improvement and developed recommendations to foster the growth of the helicopter industry.

## II. CONDUCT OF THE REVIEW

On February 5, 1986, Timothy P. Forte', Flight Standards Division Manager of the Western-Pacific Region, Federal Aviation Administration (FAA), announced that a study of helicopter operations in the State of Hawaii would be conducted.

A team, headed by a member of Mr. Forte's staff was established. The team was composed of representatives from each of the major FAA programs, the State of Hawaii, Department of Transportation, and industry:

### Federal Aviation Administration

Kenneth D. Roach, Aviation Safety Inspector, Flight Standards Branch, Western-Pacific Region, Team Leader.

Nicholas Sabatini, Aviation Safety Inspector, Flight Standards Division, Eastern Region.

Robert Barton, Aviation Safety Inspector, Operations Branch, General Aviation and Commerical Division, FAA Headquarters.

Henry Sumida, Manager, Honolulu Airports District Office.

Jerry Luce, Manager, Honolulu Air Traffic Control Tower.

David Purtill, Aviation Safety Inspector, Honolulu Flight Standards District Office.

### State of Hawaii

William T. Klopp, General Aviation Officer, Airports Division, Department of Transportation, State of Hawaii.

### Helicopter Association International

Kenneth Woolnough, Director of Safety and Technical Programs.

### III. FACTS BEARING ON THE ISSUE

#### A. Air Transportation and Commerce in the State of Hawaii

The helicopter industry in the State of Hawaii is primarily engaged in sightseeing operations based on four islands. These islands are Kauai, Oahu, Maui, and Hawaii. Helicopters are used for limited on-demand charter and there is some use of the helicopter for interisland transportation. Helicopters are also used for industrial type operations, e.g., agricultural and external load. The state and local governments also use helicopters in law enforcement and fire fighting. The U. S. Armed Forces have various types of helicopters based primarily on the Island of Oahu. The U. S. Army provides air ambulance service through the Military Assistance for Safety and Traffic (MAST) Program. Sightseeing is, however, the dominant element in the helicopter industry.

The growth of the tourist industry, the beauty of the Islands, and the inaccessibility of some areas on the Islands, has generated a tremendous growth in the use of the helicopter in tourism. Because of the unique flight characteristics of the helicopter, it is able - and permitted by regulation - to fly in confined areas at slower speeds. On the Island of Kauai, for example, the Lihue Airport has seen a significant growth in the number of helicopter operations. Fiscal year helicopter operations went from an estimated 28,000 in 1983 to 42,096 in 1984, to 59,747 in fiscal year 1985.

Helicopters conducting sightseeing activities operate, for the most part, from airports or private use heliports. Operators do utilize at least one public use heliport on the Island of Oahu.

#### B. Helicopter Operations on Island of Oahu

On the Island of Oahu, civil helicopters primarily operate from Honolulu International Airport. Flight routes are effected by the Terminal Control Area (TCA) and thus helicopters are under positive control. Flights into and out of Honolulu International Airport are flown in accordance with published TCA VFR Departure and Arrival procedures. The Ala Wai Heliport, located at the Ala Wai Yacht Harbor in Honolulu, is a public facility used by helicopter operators to provide sightseeing tours. Flights to and from the Ala Wai heliport are flown overwater directly onto the heliport and remain clear of the TCA.

The Island has several hospital heliports used primarily in support of the U.S. Army MAST Program. The Honolulu Municipal Building has a rooftop heliport used by public aircraft and a new ground level heliport has been built at the Kahuku Police Station in Kahuku. One helicopter operator bases an aircraft at the Turtle Bay Hilton Hotel on the north shore of Oahu. Military operations are usually confined to the various military airfields and the associated special use airspace.

### C. Helicopter Operations on Island of Kauai

Helicopters are based primarily on two facilities. One operator is located at the Princeville Airport, in Hanalei; the majority of the operators are located at the Lihue Airport, in Lihue.

The Princeville Airport is private use only, has permanent facilities, a hydrant refueling system for based helicopters, and does not have an air traffic control tower.

The Lihue Airport is a state operated facility certificated pursuant to FAR Part 139. The FAA operates an air traffic control tower at the airport. Helicopter operations are conducted from a ramp area located east of the control tower and northwest of Runway 3/21. The parking ramp consists of two rows of helicopter parking spots for a total of 11 pads. Located nearby are three "gates" used for passenger loading and unloading. One operator who parks on the ramp also loads and unloads passengers from his parking spots. Most operators conduct refueling operations on the ramp area using fuel trucks while their helicopters continue to run (rapid refuel).

The Island of Kauai is approximately 33 statute miles at its widest point. This small size allows operators from either airport to operate within 25 statute miles of their departure airport and thus operate without an Air Carrier Operating Certificate.

There is a published air to air frequency for "tour aircraft" on the Hawaiian Islands Sectional Aeronautical Chart.

### D. Helicopter Operations on the Island of Maui

Helicopter operations on Maui are essentially based at three locations. The first facility is the Kahului Airport. This is a Part 139 certificated airport serviced by an FAA air traffic control tower. Helicopters conducting sightseeing operations load and unload passengers from a ramp area southwest of the control tower. The helicopters are refueled and parked east of Runway 2/20 in an area designated for general aviation aircraft. Industrial helicopter operations are conducted from this parking area. One operator has a new heliport located at Kaanapali on the western end of Maui. This heliport can accommodate six helicopters; four of the parking spots have hydrant refueling capability. A third operator conducts sightseeing tours from a private use heliport located in Waialea. This heliport can accommodate two helicopters and uses a fuel truck for refueling. Depending on the departure point and the particular tour conducted, most sightseeing operations are conducted under FAR Part 135.

There is no published air to air frequency for "tour aircraft" on the Hawaiian Islands Sectional Aeronautical Chart.

#### E. Helicopter Operations on the Island of Hawaii

The Island of Hawaii has the least amount of helicopter sightseeing activity. Operators are primarily based on the western coast of the Island at either the Kailua-Kona/Keahole Airport or the Waiakoloa Sheraton Heliport. One operator is located at the General Lyman Field in Hilo. Flight activity does increase significantly when the Kilauea Volcano erupts.

There is no published air to air frequency for tour aircraft operating around or on the Island of Hawaii.

#### F. Safety Record of Helicopters in the State of Hawaii

In reviewing the safety record, the national data base was queried to determine the number of accidents and incidents that occurred between 1980 and February 1986. During that period approximately 19 accidents and 16 incidents were noted. These involved four fatal accidents in which there were four fatalities.

Our review of these accidents and incidents did not reveal any specific trend.

#### G. Applicable Federal Aviation Regulations (FARs)

In conducting the study, the team concentrated on safety related matters that involved the General Operating and Flight Rules, Part 91 of the FARs and applicable sections of Part 135 for helicopter operators conducting flights for compensation and hire. Special emphasis was given to those rules that concern minimum flight altitudes and overwater flights.

#### H. Listening Sessions

Formal listening sessions were held on both Kauai and Maui. On Kauai two meetings were held. One with management personnel from the various operators and a second meeting was held for the pilots. On Maui the team met with the pilots. A total of 55 people attended these sessions and their comments are incorporated into this study.

### IV FINDINGS

#### A. Radio Communications

Conclusion: Considering the high volume of aircraft engaged in sightseeing operations, the Islands of Kauai, Maui, and Hawaii should have separate published air to air frequencies. Moreover, the current use of frequencies 122.7 (Unicom Frequency) and 122.9 (Multicom Frequency) is contrary to the Airmans Information Manual and 47 CFR 87.183. (See Appendix)

5.

The Hawaiian Islands Sectional Aeronautical Chart requests that "Tour Aircraft" monitor frequency 122.95 when operating on the Island of Kauai along the Na Pali coast. Helicopter and airplane pilots use this frequency to make position reports at various locations on the Island. The helicopter operators were virtually unanimous in stating that there is too much congestion on that frequency. They stated that the congestion was from aircraft on other islands. During contact with operators on Maui, the team found that both helicopter and airplane pilots were informally using frequency 122.7 as an air to air frequency to self announce position or intention during tour operations. Further, the team found operators on Hawaii using 122.9 to self announce position or intention during tour operations.

In all contacts with the various helicopter groups, the pilots were virtually unanimous in their request for a common air to air frequency for each of the major islands.

Recommendations:

1. The FAA, through the Telecommunications Staff, AWP-406, establish separate frequencies for the Islands of Maui and Hawaii similar to the published frequency for Kauai.

2. The FAA, through the Air Traffic Division, AWP-500, establish procedures for the use of these frequencies and publish these procedures in the Pacific Chart Supplement and/or the Sectional Aeronautical Chart.

B. Lihue Helicopter Parking Area

Conclusion: The operations conducted in and around the temporary Lihue Helicopter Parking area are unsafe and need to be more orderly and disciplined.

The team observed operations for two days, held listening sessions with representatives from the helicopter operators and the line pilots, and received a briefing from the airport manager. The team agreed with the airport manager that helicopter operations should be segregated from airplane operations. However, the team felt that the present physical plant presents an inefficient use of the helicopter and causes congestion. Moreover, present expansion plans to add additional parking spots will compound this congestion. The team also believes that operating procedures on the parking ramp contribute to its' overall unsafe condition. Examples of these procedures include: pilots leaving the controls of a helicopter with the engine running, the rotors turning, and the aircraft unattended; the pilot performing rapid refueling operations; movement of fuel trucks, vehicles, personnel, and passengers on the parking ramp; and finally, having to high hover through the parking ramp along taxiway H-2 to reach the passenger loading gates. (See Appendix)

The team reviewed Aeronautical Study No. 84-AWP-322-NRA. That study involved an airspace analysis of the proposed establishment of ten additional helicopter parking positions at Lihue Airport. On October 10, 1984, the FAA completed its review and issued a determination. The FAA stated that it had no objections to the establishment of these parking facilities. The team

could find no evidence that Flight Standards Offices conducted an on-site evaluation in accordance with Order 7400.2C, Part 3. The on-site evaluation is necessary to determine what effect a new facility would have on safety of flight or safety of persons in and around the facility.

Recommendations:

1. The FAA should reopen Aeronautical Study No. 84-AWP-322-NRA and review establishment of the additional parking spots in view of the current operating problems and activity growth.
2. The State of Hawaii, Department of Transportation, should reconfigure existing parking spots by eliminating the tiered system and adding parking spots so that the ramp is configured in a long single row of helicopter parking spots. The team believes that this will add five additional parking spots to the 11 available now. (See Appendix)
3. Assuming that recommendation two is adopted, the State of Hawaii, Department of Transportation, should eliminate the existing "gates" and helicopter taxiways H-1 and H-2.
4. The FAA and State of Hawaii, Department of Transportation should explore means to fund this interim measure in view of the critical safety issues raised by the study.
5. The FAA should advise all helicopter operators that when conducting flight operations at a landing facility used for air transportation of persons, or accessible by the public, that leaving a helicopter unattended with its' engine running, and/or rotor turning, is considered to be a hazard and as such a violation of Section 91.9 of the FARs. This would include a pilot leaving the controls unattended to refuel his own helicopter with the aircraft's engine running. A precedent for this finding is contained in Administrator vs. Richards, EA-1516.
6. The FAA advise its Flight Standards element to comply with the provisions of Order 7400.2C, Part 3, when conducting aeronautical studies.
7. Honolulu FSDO should step up its surveillance of operations on the Lihue Airport.

C. Flight Routes on Typical Sightseeing Tours

Conclusion: In reviewing Sections 91.79(a) and 91.79(d), the team found no evidence to support rule making that mandates prescribed routes and altitudes for helicopters.

Several operators have developed routes which take into consideration noise sensitive areas. The team was able to review these operator developed routes.



In some of the more remote areas, flights are conducted over terrain unsuitable for successful forced landings. An operator will sometimes vary a tour depending on the length of a particular charter or the qualification of the pilot. In some of the more remote areas of the Islands, the helicopters are flown at airspeeds and altitudes that place the aircraft in the "caution area" of the height/velocity diagram found in the appropriate Rotorcraft Flight Manual. On occasion, this operation at low airspeed and low altitude was conducted over terrain that was unsuitable for a forced landing.

In the predecessor regulation to Part 91, an explanatory note to a provision exempting helicopters from a minimum altitude requirement stated that:

"The rule recognizes the special flight characteristics of the helicopter which can accomplish an emergency landing within a relatively small space. However, if a helicopter is flown over the congested area of a city, town or settlement, at less than 1,000 feet above the highest obstacle, the pilot is required to fly with due regard to places in which an emergency landing can be made with safety and, further, to maintain an altitude along the flight path thus selected from which such an emergency landing can be effected at any time". 14 CFR 60.107(b), Note (1947).

The regulatory history suggests that routes and altitudes can only be prescribed over a congested area.

Recommendations:

1. FAA develop a legal opinion as to its authority and responsibility under Section 91.79(d) to impose routes and altitudes over congested areas and other than congested areas.

2. The FAA further study the possibility of imposing limitations, through operations specifications under the authority of Section 135.11(b)(vii), that passenger carrying flights be conducted in accordance with the appropriate height/velocity diagram and over areas in which a safe forced landing could be made.

3. FAA advise helicopter operators who conduct passenger carrying operations under Part 91 and/or Part 135 that a flight over an area in which a successful force landing could not be made and at an airspeed and altitude combination, which places the aircraft beyond its performance capability to successfully autorotate, would be considered a reckless operation under Section 91.9 of the FARs.

4. The FAA step up surveillance and enroute inspections to ensure sightseeing flights are conducted in compliance with Section 91.9 of the FARs.

#### D. Fuel Handling Procedures

Conclusion: Safe procedures for rapid refueling not adhered to by some operators. Quality assurance of fuel handling is questionable.

The team observed that some operators conducted rapid refueling operations from fuel trucks that were driven to within 10' of turning rotors. One pilot was observed leaving the controls of a helicopter with its engine running and rotors turning to conduct his own rapid refueling. The team believes these practices are unsafe. It should be noted that 14 CFR Part 159 prohibits this type of operation on the National Capitol Airports. (See Section 159.133(a)(1)). Further, Hawaii Department of Transportation Administrative Rules, Section 19-13-5(k) requires the engines of the aircraft involved in the fueling operation to be off. That section reads as follows:

"(k) Aircraft engines. The engines of the aircraft involved in the fueling operation and engines of other aircraft within fifty feet of the fuel handling process shall not be started until the completion of the fueling operation. In the event of spillage of gasoline or any type of fuel, combustible material or volatile liquid, aircraft engines in the area in which spillage occurred shall not be started until permission has been granted by the director, even though the spillage may have been flushed or neutralized."

The team reviewed one preliminary accident report that involved rapid refueling. To the knowledge of the team, NTSB Accident Number ATL86LA044 is the first report involving a civil aircraft in which the pilot left the controls of the helicopter to refuel the aircraft and the refueling operation resulted in a fire and subsequent loss of the aircraft.

The National Fire Protection Association (NFPA) publishes the Standard of Aircraft Servicing, NFPA 407-1980. In that code, the NFPA prohibits fueling operations with engines running (See Chapter 6, paragraphs 6-2,4, page 407-45). The cited NFPA code is currently scheduled for review by the Helicopter Facilities Technical Committee of the NFPA.

The team was unable to evaluate the quality assurance program of several operators. The equipment of some operators appeared to lack quality control and proper maintenance.

#### Recommendations:

1. FAA and industry groups develop a new advisory circular or update AC 91-32A listing recommended procedures for the rapid refueling of helicopters, and the circumstances in which that type of refueling would be appropriate based on the findings of the NFPA review.
2. FAA determine what quality assurance programs are now available either through FAA resources or the National Fire Protection Association and make that information available to the various helicopter operators.

E. Applicability of 14 CFR 135 to Sightseeing Operations.

Conclusion: The size of the various Hawaiian Islands and the location of the more popular attractions on the Islands makes it extremely difficult to determine if a particular sightseeing flight is applicable to FAR Part 135. This problem makes enforcement of FAR Part 135 difficult for those regulations specific to air transportation.

The Island of Kauai offers the best example of the difficulty in determining the applicable rule. The Island is approximately 33 statute miles wide at its widest point. Sightseeing operations are conducted for the most part from the Lihue Airport and the Princeville Airport. From these airports virtually all of the Island can be reached without exceeding the 25 statute mile exclusion. The team believed that the same level of safety should exist for those passengers flying a tour of 24.9 statute miles as exists for those flying a 25.1 statute mile tour.

The lack of helicopter flotation devices on some aircraft also concerned the team. Along the coastlines of the several Islands, cliffs and rocks make a successful autorotation to shore virtually impossible. Section 135.183(a) requires land aircraft be operated at an altitude that allows the aircraft to reach land in the case of an engine failure. The prevailing belief among some operators is that this requirement to reach land does not require a safe landing area. The team believes that the "land," or shoreline, must offer a reasonable chance to safely touch down the helicopter. If those areas do not exist, and the flight is conducted under FAR Part 135, helicopter flotation devices would be required.

One operator conducts Part 135 operations in Aerospatiale AS-350 helicopters. The Honolulu FSDO does not have an inspector qualified in this helicopter. While this helicopter is a small aircraft, there are significant differences between this helicopter and others used throughout the state and requires formal training.

Recommendations:

1. Western Pacific Region, Flight Standards Division, AWP-200 request that the sightseeing exclusion of Section 135.1(b)(2) be eliminated; or amended by reducing the distance from the departure airport.
2. Western Pacific Regional Counsel advise whether Section 135.182(a) requires that the "land" available in the event of an engine failure be suitable for a safe touchdown. If Regional Counsel finds that adequacy of the touchdown area was not contemplated in the development of the rule, that a rule change to reflect adequacy be considered.
3. Honolulu FSDO step up its surveillance activity of the sightseeing operators using all available helicopter rated operations inspectors and the assigned airworthiness inspectors.

4. Honolulu FSDO request initial qualification training for an operations inspector in an Aerospatiale AS-350 helicopter.

F. Air Traffic Procedures

Conclusion: The issuance of "at or below " altitudes below 500' by Air Traffic for direct flights between Honolulu International Airport and the Ala Wai Heliport has led pilots to operate at lower altitudes. The lower altitudes may place these helicopters in situations that could affect the pilots ability to make a successful forced landing.

Recommendation: Air Traffic review altitude assignment on direct routings to the Ala Wai Heliport.

G. Notification Requirements of 14 CFR 157.

Conclusion: Some heliports within the State of Hawaii may be operating without meeting the notification requirements of Section 157.3.

Recommendation: Both the Honolulu Airports District Office and the Honolulu Flight Standards District Office conduct on-site inspections of the various resort hotel heliports to determine compliance with Section 157.3.

H. Coordination between Users.

Conclusion: Communications and coordination among users, operators, the State and the FAA should be improved.

In the course of the study there was considerable agreement about possible improvements among various aviation interests. Unfortunately, because these groups had not been regularly communicating with each other, a number of their suggestions had never been documented or implemented. Clearly, greater cooperative efforts for regular communication and educational measures should be made.

Recommendations:

1. The FAA, the operators, the State and user groups should jointly sponsor briefings and safety seminars for pilots who conduct sightseeing operations from the various State owned airports, to educate them to the proper procedures to be followed.
2. The same groups should meet periodically to identify potential problems and to seek solutions.

APPENDIX

- I. Excerpt of:
  - A. Title 47 Telecommunications, Part 87
  - B. Airmans Information Manual
- II. Diagram of:
  - A. Lihue Airport
  - B. Existing Helicopter Parking Spots
- III. Photographs of Lihue Helicopter Parking Area
- IV. Diagram of Proposed Reconfigured Helicopter Parking Spots
- V. Excerpt of Hawaiian Islands Aeronautical Chart

I. Excerpt of:

A. Title 47 Telecommunications, Part 87

B. Airmans Information Manual

# Buzzing the National Parks

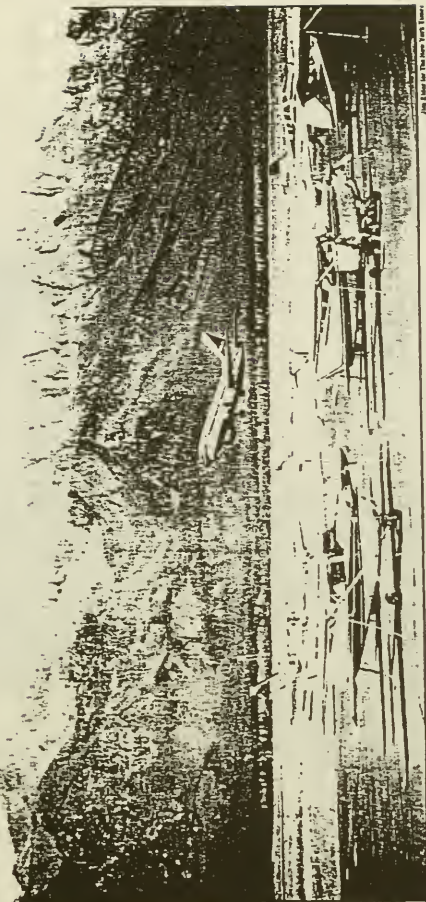
Increasingly, the tranquility of the wilds is shattered by military and commercial planes

By JIM ROBBINS

It is an early February morning at Organ Pipe Cactus National Monument in southern Arizona. Several campers are sitting on their campstoves, eating chips and desert breads, when a rumble begins. A few seconds later, two American fighter planes, perhaps 200 feet off the desert floor, rear over the campground with an earthquake-like roar.

The buzzing of America's premier national parks, forests and monuments by military planes, sightseeing helicopters and small commercial craft is an alarming growing phenomenon, especially in the Southwest. The military is seeking to expand by 20 percent the 25 million acres it controls in 13 Western states, largely for aircraft training. Fighter planes and bombers fly at low altitudes, often at night, and they are noisy at work, says Douglas A. Few years ago an Air Force F-4 jet pulled up at the last minute above the Grand Canyon, just missing a medical helicopter flying an emergency mission to a critically injured hiker in the Grand Canyon.

Commercial sightseeing planes and helicopters are also appearing more frequently above the parks, from the Grand Canyon to Glacier National Park in Montana. Bruce Burch, a regional representative for the National Parks and Conservation Association, an environmental group. The results can be catastrophic. In June 1988 a helicopter rose into a fuel-wing



Jackson Hole airport in Grand Teton National Park, Wyoming; a move to lengthen the runway is opposed by environmentalists.

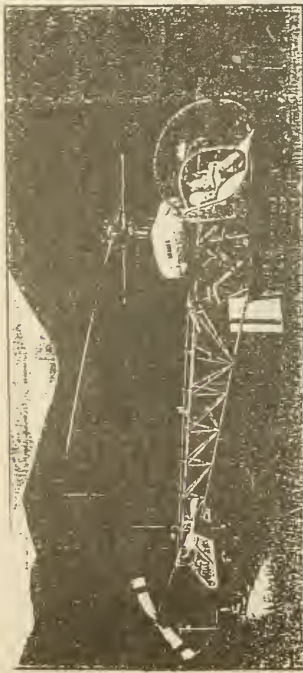
## Flyovers in the Adirondacks

Low flying military jets are a problem in New York's six million acre Adirondack State Park. The park lies under two Strate-BIC Air Command training routes, one of which is the bald eagle and the osprey nesting areas. One environmental group, the Adirondack Council, has published a booklet, much like a bird-watcher's guide, with drawings and descriptions of various military planes to give people a better idea of who is responsible.

Still, not everyone is complaining. While some local governments have passed resolutions opposing them, others have issued a statement of support for the flights. Robert Moody, in a letter to his local newspaper last year, said he was proud to see the planes.

"Fly boys and girls, train hard, remain alert in the field, win, and we'll have many birds in the nest," he wrote. "I hope you zoom overhead, we will all shout, 'That's one of ours!'"

JAM ROWE VERHOEVA



Low flying military jets are a problem in New York's six million acre Adirondack State Park.

## In Montana's Glacier National Park, the clutter of sightseeing helicopters has angered campers

With and they crashed into the Grand Canyon, killing all 25 people aboard both craft.

The most serious problems have been reported at the Grand Canyon, where military and commercial flights were a chronic problem for years. Legislation enacted by Congress in 1981 gave the National Park Service authority to close back-country areas and the rim, though visitors still complain of aircraft noise to park officials.

The United States Forest Service and the National Park Service are conducting a study of the problem, and Congress is conducting a joint study of the issue, scheduled for completion in mid-1981.

According to the study outline, one-quarter of the nation's national parks and monuments are in the Grand Canyon region. The Grand Canyon (A flyover is a flight by one or more aircraft over a particular point.) Among those cited are Mount Rushmore, Yosemite, Hawaii Volcanoes, Olympic National Park, North Cascades National Park, Gettysburg National Battlefield, Grand Staircase-Escalante National Park, Sequoia National Park and 38 other national parks.

Aside from those at the Grand Canyon, there are virtually no restrictions in place on aircraft flights over the parks. The Grand Canyon is the only park where the back-country wilderness areas as a Federal designation this year. The Grand Canyon is the only park in the West.) The Federal Aviation Administration, which has authority over United States airspace, is the only agency with authority to close the parks.

JIM ROBBINS is a frequent contributor to The Times from the West.



Commercial jet cruising above Yosemite Valley in California.

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JAM ROWE VERHOEVA

NY TIMES 7-29-80

(2)



NY TIMES 7-29-90  
 Planes (4)

Continued From Page 19

The legislation regarding the Grand Canyon came about in part because of Senator John McCain's experience there in August 1985, the summer before the aircraft collided. The Senator, who was then a Congressman from Arizona, and Richard Marks, the former superintendent of the Grand Canyon National Park, were backpacking. As they stood at Tip Off Point on the South Kaibab Trail about 2,500 feet below the South Rim, they saw a huge C-130 transport plane flying between the canyon walls about 500 feet below them, just above the Colorado River. "I wondered what the hell he was doing down there," Mr. Marks recalled. "Military aircraft have no business flying that low."

This was far from the first problem he'd noticed. Air Force fighter pilots would zoom through the 200-mile-long chasm. "A lot of them flew upside down," he said. "You can take better pictures that way."

Commercial flights were a headache as well. Airplanes flew deep into the canyon, and helicopters hovered above prehistoric ruins and the most scenic areas. Mr. Marks once came out of his office to be greeted, at eye level, by a Boeing 727 passenger jet.

When he returned to Washington, Congressman McCain introduced a bill that banned flights below the rim of the Grand Canyon and set nearly half the park off limits to flights below 14,500 feet above sea level, or a

little more than a mile above the canyon rim — well above the level that would be noticed by most visitors. By comparison, most commercial airliners fly at 30,000 feet. The legislation, directing the F.A.A. to devise an airspace plan to restrict overflights, was enacted in August 1987. This plan, known as a Special Federal Airline Regulation, has been in effect for more than a year.

That flight-free designation, said Mike Ebersole, a Park Service air operations officer and a pilot, keeps rim-level sightseeing aircraft away from rim visitors and 90 percent of back-country users. In the rest of the canyon airspace, helicopters must fly at rim level or above, and fixed-wing craft must fly 500 feet above. The Park Service reports 96 percent compliance by the military. Yosemite National Park and portions of Haleakala National Park in Hawaii have similar restrictions, mandated in the Grand Canyon legislation.

Mr. Ebersole believes the regulation is working, and his assessment is shared by the National Parks and Conservation Association.

But there are signs visitors are not as satisfied. In the last month, according to John Reed, the assistant superintendent for the Grand Canyon, about a dozen visitors have written letters complaining about aircraft noise. "The acoustical nature of the canyon is such that you'll always hear noise," he said. "If you think in the flight-free zones you'll hear nothing but your own heartbeat, you'll be disappointed." ■

NY Times 7-29-90 (3)

Mr. Anderson complained to officials at Lemore, and they were sympathetic, he said, but they changed neither the route nor the altitudes at which their planes were allowed to fly.

Other bases from which planes fly over VR 1257 include Luke Air Force Base near Phoenix, Edwards Air Force Base in California, McCord Air Force Base in Tacoma, Wash., and Nellis Air Force Base outside Las Vegas, Nev.

It has become more difficult to reconcile military training with the park visitor's desire for solitude, says Gary Vest, the Air Force Deputy Assistant Secretary for Environmental Safety and Occupational Health, because the nature of warfare has changed in recent years. Despite the reduction in international tensions, the military says it needs more room in the West; pending base closings in Europe mean that more troops will be trained here, and the new sophisticated weapons require more space for training.

"If there were a war in Europe," he said, "all access to the target would be at low levels to avoid radar. Your ability to survive is based on being low and fast. That's the way our crews survive. But flying that low is risky. It requires a level of proficiency, and you have got to go out and fly. Nonetheless, Mr. Vest said, "if we can make changes, we will. These are two valid national interests."

Indeed, the military has already made changes. B-52 bombers used to fly low and slowly over Petrified Forest National Park — occasionally as low as 500 feet over the administration office, according to Ed Gastellum, former superintendent of the park and now assistant superintendent at North Cascades National Park in Washington. "It's like someone is driving a hot rod through the

middle of your office," he said. "The windows

raise and the furniture shakes." Mr. Gastellum said that at his invitation — after continuing disagreement with local Air Force officials — Mr. Vest traveled to the park and had the bombers fly over. After the test the Air Force agreed to move the flight path just outside the park boundary.

Recent studies by the United States Geological Survey have shown that low-level flight can damage historic and prehistoric artifacts. They crack pictographs, paintings on rock walls. They can cause free-standing walls in ruins to tumble. And they can harm adobe, whose roof supports, big logs called vigas, act as antennas for sound waves of certain frequencies, especially helicopter rotors. "It works like a drum," says Kenneth King, the geophysicist who did the vibration studies for the Geological Survey at the Park Service's request. "The beams take the sound and magnify it, forcing the stress into the walls." he said. "The buildings affected in this way could eventually fall apart. Mr. King said historic adobe at White Sands National Monument and Anasazi and Hohokam ruins at Mesa Verde and other parks have been damaged.

Commercial flights pose different problems. At busy places the sky is filled with the drone of fixed-wing craft and the whop-whop of helicopters making repeated flights over the same areas, usually at low levels. Gary Gregory, resource management specialist for Glacier National Park, said the main complaint by visitors about the park is helicopters buzzing over the high mountain meadows and silent, old-growth forests. "People come to parks for solitude," he said. "They're disappointed if they don't get it. To fulfill the desire of one or two people in a helicopter at the expense of thousands isn't fair."

Tom Kelley, a customer service manager for Papillon Grand Canyon Helicopters, which provides air tours over the canyon, thinks conservationists aren't being fair. "It's difficult for them to get on the back of a mule. There are a lot of overweight people who don't have the ability to hike the canyon, or to ride a mule. And a lot of people fly so they don't have to spend time walking along the rim or driving."

A different kind of controversy is brewing in Grand Teton National Park near Jackson Hole, Wyo. The park was created in 1950 and encompassed existing facilities, including a commercial airport. Airport officials would like to extend the 6,300-foot runway by 1,700 feet so it can handle larger aircraft, which could mean more flights as well. Environmentalists are bitterly opposed to the expansion. A similar conflict has erupted over the proposed expansion of an airport at Hall's Crossing within the Glen Canyon National Recreation Area in southern Utah.

The United States Forest Service and the National Park Service won't release many details of their joint study of flyovers, due out next year, but they said they will measure the sound of aircraft flying over, and will question visitors on their experiences with flyovers. Based on the report, the Park Service will then recommend legislation.

Continued on Page 24

## Seven parks where effects of flights are to be studied

As part of the legislation regarding the Grand Canyon, Congress mandated that the National Park Service study the effects of flights over seven specifically named parks. In addition, four others are to be chosen for study.

The following information, from a draft report on overflight problems, is from the Park Service.

**Grand Canyon National Park (Arizona):** The Park Service says the Grand Canyon has the most sightseeing overflights of any park in the country, with about 40,000 to 45,000 a year. Grand Canyon Airport, two miles south of the park, is the third-busiest airport in Arizona.

Two military training routes cross the park, some at altitudes as low as 500 feet above the ground. Five commercial jet routes cross the park, and Federal Aviation Administration traffic control centers routinely approve the descent of commercial flights to 12,000 feet or below.

**Yosemite National Park (California):** Overflight from high-altitude jets, three scenic tour companies, military craft, and small planes.

**Glacier National Park (Montana):** Several helicopter tours a day and general aviation. **Mount Rushmore National Memorial (South Dakota):** About 80 sightseeing flights a day during the summer. Military flights include both planes and helicopters.

**Haleakala National Park (Hawaii):** About 20 to 40 helicopter trips a day over the dormant volcanoes. Some military flights.

**Hawaii Volcanoes National Park: Seven**

commercial sightseeing companies with up to 50 flights a day.

**Cumberland Island National Seashore (Georgia):** About 10 flights a month, including small planes and military craft.

The above parks are those targeted by the study. Other examples of the problems:

**San Antonio Missions National Historical Park (Texas):** The park includes four historic missions, including one on the flight path from nearby Stinson Airport. The draft report describes almost continuous noise from the airport during peak periods.

**Gettysburg National Military Park (Pennsylvania):** Commercial sightseeing tours from a heliport adjoining the park are frequent — about 30 times a day — at elevations as low as 300 feet.

**Cape Cod National Seashore (Massachusetts):** An airport within park boundaries sends up about 50 flights a day during the summer. About half are tour flights; the rest, general aviation.

**Saguaro National Monument (Arizona):** About half the overflights are military jets, including planes returning to Davis Monthan Military Airport nearby. Tucson International Airport is immediately south of the park, and a small general aviation airport is just north of the eastern section.

**White Sands National Monument (New Mexico):** The world's biggest gypsum sand dunes are bounded on one side by an Army missile range and on the other by Holoman Air Force Base, which sends up 350 to 400 flights a day.

During reconnaissance training missions,

there are heavy overflights by helicopters. **Everglades National Park (Florida):** Several military flights daily, and the Air Force is seeking expansion of its training airspace.

**Fort Vancouver National Historic Site (Washington):** The runway for Pearson Airpark, which is on park property, is about 100 yards from the stockade wall of the fort, the former headquarters of the Hudson Bay Company. The airport handles about 100,000 flights a year, with approaches and departures as low as 100 feet above the fort. Portland International Airport is about four miles away.

**Wilson's Creek National Battlefield (Missouri):** About 50 military flights a month, mostly training missions on C-130 cargo planes, fly from Springfield, Mo., Regional Airport.

**Olympic National Park (Washington):** Two military operations areas overlay the park, and small aircraft often navigate within the coastal line section of the park for direction.

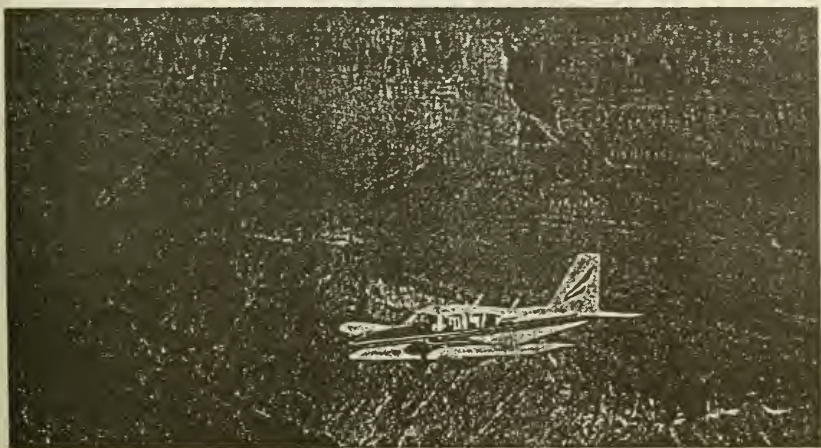
**North Cascades National Park (Washington):** One military training route crosses the park, and there is a landing strip within the park.

**Devils Tower National Monument (Wyoming):** A commercial sightseeing company runs 20 to 30 flights a day at elevations of 200 to 1,300 feet above the ground.

**Cape Lookout National Seashore (North Carolina):** Military jet fighters make up 95 percent of the overflights along this barrier reef. There is a proposal to increase the use to 45 overflight a day at less than 300 feet above the ground.

THE WASHINGTON POST

# THE FEDERAL PAGE



Grand Canyon National Park sightseeing flights like this one are the subject of government noise-reduction measures.

BY BOB PATRICK

## National Park Overflights Taking Flak

### New Restrictions Planned to Limit Noise Pollution From Airborne Tours

By Tom Kenworthy  
Washington Post Staff Writer

The Clinton administration announced yesterday that it will develop new restrictions on aircraft flights over national parks to limit the growing problem of noise pollution from airborne sightseeing tours in areas such as the Grand Canyon.

Officials from the Department of Transportation, the Federal Aviation Administration and the Department of Interior—who in the past have rarely been in accord on the issue—said they would study a broad range of noise-reduction measures during a rule-making process that is likely to extend for several months.

Secretary of Transportation Federico Peña said the administration is committed to finding solutions that will be fair to both the growing air tour industry and to backpackers, rafters and other park users who increasingly complain about the impact of park overflights.

But Peña stressed that ensuring that national parks continue to be "places of peace and serenity" will be the overriding goal.

Peña and Assistant Interior Secretary George T. Frampton Jr. outlined a range of possible noise-reduction measures that could emerge from the rule-making process. They could include: voluntary industry agreements to fly only in cer-

tain corridors and at certain times; federal incentives to employ quieter aircraft; creation of overall "noise budgets" for individual park units that would be apportioned among tour operators; and strict federal regulations prohibiting overflights at certain times or on specific days of the week.

"This is the beginning, not the end of the process," said Frampton, who oversees the National Park Service.

Touring some of the nation's most scenic natural places by helicopter or fixed-wing aircraft is an increasingly popular activity. At Grand Canyon National Park in Arizona, for example, about 750,000 people viewed the park from the air in 1992, using some 40 air tour companies. The number of airborne tourists has doubled since 1987, when Congress instructed the Department of Interior to recommend to the FAA ways to restore substantially "the natural quiet and experience of the park."

Though the air tour industry is most entrenched at Grand Canyon and at Haleakala and Hawaii Volcanoes national parks in Hawaii, Park Service officials are concerned about expanding operations at other parks such as Glacier in Montana, Canyonlands in Utah and Mount Rushmore National Memorial in South Dakota.

The National Park Service has long been concerned that tourist flights are

degrading park values, but has been powerless to regulate them since airspace is controlled by the FAA, an agency that park officials viewed as unwilling to limit air tour operations.

Legislation soon to be introduced by Rep. Pat Williams (D-Mont.) would give the Park Service the authority to regulate air tours just as it does other park concessions, and to ban such flights entirely from individual parks.

Park conservation groups such as the Grand Canyon Trust and the National Parks and Conservation Association (NPCA) hailed the administration initiative yesterday. Paul C. Pritchard, president of the NPCA, called it a "critical step in the process of restoring, protecting and preserving natural quiet in our national parks."

The helicopter and air tour industries, however, argue that park overflights are a way to expose large numbers of Americans, many of them elderly and disabled, to national parks they might otherwise not be able to see.

"Any solution must consider the rights of these of our citizens who have no other way than air tours to observe firsthand the scenic wonders of our national parks," said Helicopter Association International president Frank L. Jensen Jr. yesterday. Air tours, argued Jensen, do far less environmental damage to parks than do hikers.

The Honolulu Advertiser A7

March 18, 1994

Case: 262

## Regulations inadequate, Mink says

Associated Press

Hawaii Rep. Patsy Mink says the proposed new federal regulations for flights over national parks don't go far enough.

In a statement released here from her office in Washington, Mink yesterday said she supports the minimum flight altitude requirement, but added that "there's nothing else in it that is substantial."

She said, "We've waited six years for a response to this ongoing problem and we've gotten back a proposal without teeth."

Mink said the rules would provide little relief from noise pollution in parks, and added that the federal agency's proposal to establish a "noise budget" does not take into consideration the people affected.

Hawaii

## Tribune-Herald

EAR NO. 86

HILO, HAWAII, FRIDAY, MARCH 18, 1964

4 SECTIONS — 32 PAGES

## Hawaii report

## Mink critical of overflight rules

HONOLULU — Rep. Patsy Mink, D-Hawaii, says the new federal standards regulating flights over national parks don't go far enough.

In a statement released from her office in Washington, Mink yesterday described the law as one "without teeth."

Mink said she supports the minimum flight altitude requirement, but added that "there's nothing else in it that is substantial."

She said, "We've waited six years for a response to this ongoing problem and we've gotten back a proposal without teeth."

The new statute, announced by the federal Department of Transportation also calls for the prohibition of flights during certain time periods, but lists time spans of "one hour per day, one day per week or two to four weeks per year."

Mink said that provision would provide little relief from noise pollution in parks and added that the federal agency's proposal to establish a "noise budget" does not take into consideration the people affected.

She also noted that the law requiring an aircraft noise impact study is yet to be released.

—By Associated Press

# The Honolulu Advertiser

Tuesday,  
March 15, 199

Neighbor Island Edition

A Gannett Newspaper

Beyond Oahu 60¢

## NEIGHBOR ISLAND NEWS

### Copter noise controls

It may be a little quieter for hikers in Haleakala and Hawaii Volcanoes National Parks, as federal officials initiate controls over helicopter overflights.

The Interior Department and the Federal Aviation Administration in Washington today are scheduled to announce a plan to cut noise in parks.

The details were not available yesterday, but the plan presumably will limit helicopter routes over areas heavily used by hikers in Hawaii, the Grand Canyon and other national parks.

U.S. Interior Secretary Bruce Babbitt late last year visited the Islands and promised action on the helicopter issue. Babbitt said the intrusive sound of tour aircraft in wildland national parks is a serious problem.

Babbitt said a plan would not necessarily ban flights, but might limit them to peripheral areas of national parks, where they would have less impact on people on the ground.

In Grand Canyon, some operators are already complaining that the federal agencies did not consult the industry before coming up with a plan.

## Editorials

Saturday, January 29, 1994

# Helicopter noise

## At last, some regulation?

What's that just becoming visible through the clouds? Some relief, we hope, from aircraft noise and intrusive helicopter flights in the Islands.

Why are we hopeful?

■ **Federal Aviation Administration** public hearings this week on the subject.

■ **Interior Secretary Bruce Babbitt's** promise of "mandatory regulation of air traffic over the major national parks" during his recent visit to Hawaii, and

■ **Hawaii Rep. Patsy Mink's** bill to curtail flights over Hawaii's national parks.

We recognize that we live in the 1990s. Aircraft are useful, necessary and here to stay. In the special case of tour flights, they contribute much by making Hawaii's wonders accessible to those who cannot or don't have time to walk to them.

But they also can be a terrible nuisance. There are people living in neighborhoods both urban and rural on all major islands who complain of dozens of close fly-bys every day.

It's especially annoying to take the time to hike to a secluded spot only to encounter a "Vietnam War" of swirling helicopters.

The aircraft companies have insisted they can adequately regulate themselves. That's been true of most of them, but not all.

And a handful of tragic accidents over recent years accentuates the need for regulation.

We recognize that it won't be easy to write rules that are fair to all sides, but that effort is needed now.

# The Honolulu Advertiser

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## Sierra Club Asks For Relief From Copter Noise



mile buffer zone around noise sensitive areas throughout the state (from individual family homes to state parks) and no overflight's over Hawaii's national parks.

You can help the Sierra Club restore peace and quiet to the skies over the state by supporting the petition. Your comments should be directed to Melody DeMarr, Air Traffic Rules Branch, ATT-230, Aircraft Overflight Issues in Hawaii, Federal Aviation Administration, 800 Independence Avenue S.W., Washington, D. C., 20591. Please send your financial contribution to the Sierra Club Legal Defense Fund, 223 South King Street, 4th Floor, Honolulu, Hawaii 96813. Note on the check that it is for Helicopters. Both actions will go a long way toward a remedy for helicopter noise.

Noise is pollution. With the help of all Sierra Club members and friends we can end the abominable airborne noise abuse of Hawaii's people, environment and quiet skies.

On January 24, 1994, the Sierra Club, Hawaii Chapter joined others in Hawaii environmental and community groups in a formal request to the Federal Aviation Administration (FAA) for regulatory relief from the annoying noise because of low-flying tour aircraft in the skies over Hawaii.

The petition to the FAA, filed by the Sierra Club Legal Defense Fund speaks for all of the groups. It will request a 2-



# HAWAII

Tuesday, January 25, 1994 ■ Star-Bulletin

## Groups take off against flight noise

□ They say tour aircraft also pose neighborhood risks

By Pat Omandam

Star-Bulletin

The sky has become the limit of Michelle Matson's frustration.

Matson said tour flight operators and commercial aircraft have gone unregulated and unmonitored for too long over her neighborhood. She said the constant noise from these flights affects the lives of those below, and residents desperately want something done about it.

"My Diamond Head neighborhood is barraged by aircraft daily. For those who are fortunate to live near Hawaii's most scenic spots, the reward is constant noise pollution," said Matson, who sounded off last night to a panel of Federal Aviation Administration officials from Washington, D.C.

Matson, president of Hawaii's Thousands Friends, is part of a coalition of a dozen community and environmental groups that yesterday filed a petition with and then testified before the FAA, asking it to adopt strict regulations to control low-flying tour aircraft in Hawaii.

The agency is holding public hearings this week on the issue. An increasing number of accidents and growing complaints over noise in parks and neighborhoods have prompted the FAA to consider tighter controls in the air tour industry.

It is the first time national FAA officials have held local hearings on the issue, said Harold Becker, manager of the FAA's Airspace Rules and Aeronautical Information Division. Officials said they want to create safer operating procedures for air tour operators, protect wildlife and reduce aircraft noise experienced by residents and park visitors.

Between 1983 and 1990, air tour accidents have increased, with 1,467 fatal accidents involving 91 flights nationally. In Hawaii, more than 20 air tour accidents have been documented in the past four years.

Under current FAA rules, all aircraft must fly a minimum of 300 feet above congested areas.

Unlike other commercial operators, air tour companies that stay within 25 miles of their point of origin don't need to file flight plans, keep detailed records of flights paths, certify pilots, or undergo frequent equipment inspections. Although the agency is considering doing away with the exemption, the petition filed by the coalition calls for stricter measures.

The coalition wants to create a 2-mile altitude buffer zone around noise-prone areas such as residences, recreational areas and wildlife preserves. It also calls for easy-to-read aircraft markings, new pilot training and certification requirements, added safety measures and a system to detect violations.

And the group wants to ban all flights over Hawaii's national parks. Bill Sager, president of the Conservation Council for Hawaii, said the increase in tour flights has virtually eliminated the wilderness experience in Hawaii.

"After walking miles, hikers and hunters find remote areas but are deprived of silence they need to enjoy the wilderness," he said.

However, Chris Ferrara said the 320,000-member national Aircraft Owners and Pilots Association is against any restrictions to legitimate uses of park lands. He said pilots in Hawaii already comply with voluntary restrictions and any unnecessary restrictions would "set an undesirable precedence."

Those against further regulations see a combination of enforcement and education among pilots and air tour companies as a better way to solve the problem. They say regulation would kill their \$18 million-a-year industry and harm the state's struggling economy.

The hearings continue from 5:30 p.m. to 8:30 p.m. today at Kaula War Memorial Convention Hall in Lihue; tomorrow at the Walluku County Building on Maui; and Thursday at the Hilo County Building. More than 120 people already have signed up to testify. For more information, call Tweet Coleman at 837-8300.

Written testimony can be sent to Air Traffic Rules Branch, ATP-230, attn: Melodie DeMarr, Aircraft Overflight Issues in the State of Hawaii, Federal Aviation Administration, 800 Independence Ave., S.W., Washington, D.C. 20591.



**Harold Becker:**  
The manager of the FAA's Airspace Rules and Aeronautical Information Division is among officials who want to create safer operating procedures for air tour operators.

# A3

**POLICE BEAT** \_\_\_\_\_ A4

Ink! relief! \_\_\_\_\_ D12  
Obituaries \_\_\_\_\_ D4

# Hawaii

**TUESDAY, Jan. 25, 1984**  
The Honolulu Advertiser  
**ACTING CITY EDITOR:**  
Dan Nakaso 525-6090

## Petition to FAA decries 'helicopter hell'

By Jon Yoshinigo  
Advertiser Staff Writer

Ken Carlson says it sounds like Vietnam during the war. Carlson, of Kilauea, Kaula, is referring to four helicopters flying over the Na Pali Coast and Waimea Canyon.

"You've biked 11 miles and you get to a war zone," Carlson said yesterday at a press conference announcing a petition that the Federal Aviation Administration adopt stiff tour helicopter regulations.

"We're going to the FAA to plead with them to bring some sense to the chaos that is occurring with the tour-aircraft industry throughout this state," said Sierra Club Legal Defense Fund lawyer Denise Antolini.

The fund is representing a dozen community and environmental groups, including Citizens Against Noise, Tour Aircraft Control Coalition and Hawaii's Thousand Friends.

"Hawaii has become helicopter hell, and it's time the federal government stepped in and took charge of the situ-

### USE YOUR POWER

You can tell authorities what you think about helicopter regulation in two ways:  
■ The Federal Aviation Administration is

investigating complaints of aircraft noise, flight safety and intrusive helicopter flights. You can comment at public hearings 5:30 to 8:30 p.m. this week:  
□ Today, Kaula War Memorial Convention Hall, Lihue.  
□ Tomorrow, 8th Floor, Maui County Building, Wailuku.  
□ Thursday, Room 201, Hawaii County Building, Hilo.

tion," Antolini said. The petition calls for:  
■ A two-mile, or 10,500-foot, altitude limit above ground level around "noise-sensitive areas" like homes, public facilities, recreation areas and wildlife preserves.  
■ A few spots — including

"open ranch country" — around the state would not fall under that definition, Antolini said.

■ Banning all flights over Hawaii's national parks.  
■ Large, easy-to-read aircraft markings.

■ Additional safety equipment and automatic monitoring systems aboard aircraft.  
Some tour operators, like Paipilon Hawaiian Helicopters President Gene Erskine, said they have been working with the state, FAA and other groups to curb complaints.

Under the "Fly Neighboring" program, tour operators agree to fly no closer than 1,500 feet to any dwelling, said Erskine, who said he's a Sierra Club member. But he called the 2-mile height limit "impossible."

"That's what most commuter airlines go — 10,000- to 12,000-feet," he said. "We wouldn't be giving a tour," Scott Shupe of the Big Island's Mauna Kea Helicopters said some proposals will destroy the entire air-tour indus-

try because of the actions of a few pilots.

"It's like an entire neighborhood not being able to use a road because one drunk driver had an accident," said Shupe, who's been flying in Hawaii for 16 years.

Another Big Island pilot who asked that his name not be used questioned the validity of some anti-helicopter complaints.

"You never had noise complaints until the first Green Harvest," he said, referring to the marijuana-eradication program that relies on spotters in helicopters.

FAA officials from Los Angeles and Washington, D.C., are here to gather information for potential air-tour regulations. They said they had not seen the Sierra Club's petition, and could not comment on it.

The FAA will review it and other comments gathered at meetings across the state this week, then "determine which areas probably need some kind of action, whatever it is," said Harold Becker, manager of



Advertiser photo by Cory Lum

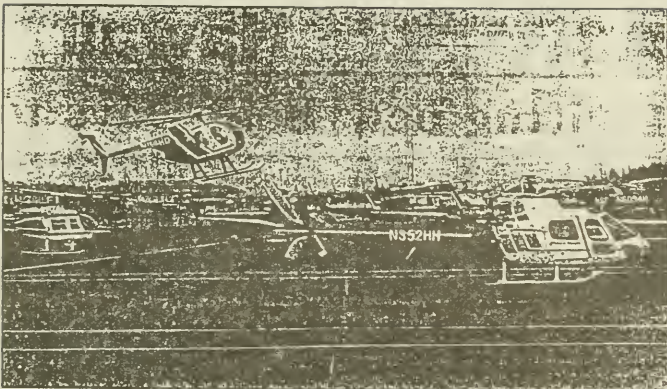
Denise Antolini, Sierra Club Legal Defense Fund lawyer, announces that a coalition of community and environmental groups will push for controls on the tour-aircraft industry. She is flanked at the press conference at an old helicopter pad near the Ilkai Hotel by supporters Barry Stokes (left) and Kimo Sutton.

FAA's Atraspase Rules and deadline, Becker said.

Aeronautical Information Division has been around for some time in Washington.

"(But) we're aware a problem has been around for some time now and we'd like to know as far as we can toward whether any rules will be proposed, and they don't have a solution," he said.

A4 Sunday, January 23, 1994 The Honolulu Advertiser



A tour helicopter takes 'off from Kāhōlū Airport's heliport on Maui. Federal agencies and Congress appear to be more willing than ever before to place some restrictions on helicopter flights in Hawaii.

A-4 Sunday, January 23, 1994 The Honolulu Advertiser

## Helicopter tour curtailment

Some see a growing momentum for noise regulation

By Joan Conrow  
Advertiser Staff Writer

HILLO, Hawaii — It's the first thing he hears in the morning, and it doesn't stop until dark — the sound of 60 helicopter flights a day buzzing to and from Kauai's famous Na Pali Coast.

"It's insane, really. It's enough to drive you insane," Iama Goodwin said at his rural Hanalei, Kauai, home.

Goodwin and other Hawaii residents who have been fighting helicopter noise for years may finally get some relief.

Federal agencies and Congress appear more willing than ever before to place some restrictions on helicopter flights in Hawaii.

And if real action does occur, it could spell the end of self-regulation for the tour helicopter industry and mean tighter controls on military and law enforcement choppers.

"I really think this is the time," said Dan Taylor, chief of resource management for Heaui Volcanoes National Park. "I've never been more optimistic."

Here's why:

■ Interior Secretary Bruce Babbitt, during a recent visit to Hawaii, promised "mandatory regulation of air traffic over the major national parks."

■ A bill by Hawaii U.S. Rep. Patsy Mink that sharply curtails flights over Hawaii's national parks is still alive in the House Subcommittee on National Parks and Public Lands.

■ The Federal Aviation Administration is gathering public comment that may be the basis for new rules affecting helicopter and fixed-wing aircraft operations.

Even the state's tour helicopter industry, which was generating some \$75 million annually before Hurricane Iniki knocked lucrative Kauai out of the action, sees the future.

"I think it (greater regulation) is probably inevitable based on the mood of various

### Helicopter tours taking off

Big Island	28,567
Maui	40,838
Oahu	15,488
Kauai	47,100-x
TOTAL	132,103

—Tally ended Sept. 11 when Hurricane Iniki hit Kauai.

Source: Figures: Hawaii Helicopter Operators Assoc.

agencies," said Bob DeCamp, president of the Hawaii Helicopter Operators Association.

Even though the industry anticipates regulation, it doesn't welcome it.

DeCamp's organization, which represents most of the state's 28 tour companies, strongly opposes Mink's bill. It prefers negotiating informal agreements on helicopter overflights with park officials.

In residential areas, DeCamp said, a properly managed "Fly Neighborly" program can reduce the impact on homes.

Under the program, operators must identify the routes and altitudes they will fly and outline plans to reduce noise as part of their state airport permit process.

But the state does not monitor compliance with the program. The tour helicopter industry sets its own watchdog, keeping pilots in line and handling complaints.

Citizens pushing for more restrictions on helicopter overflights say the industry's self-regulation doesn't go far enough.

Jason Wincinger, president of the Punahele Tour Aircraft Control Coalition, said the FAA's reluctance to regulate has pushed the industry and community into a "gentleman's agreement that has been tried repeatedly since 10 years ago

It just doesn't work."

Park officials agree. Don Reiser, superintendent of Haleakala National Park, said the Fly Neighborly plan hasn't solved overflight problems at Maui's wilderness park.

"You need something more than just a handshake and a promise you won't fly over the crater," he said.

Taylor questioned DeCamp's belief that industry and park officials can work out solutions without a push from the government.

"Only when they saw legislation and FAA rules looming out there have they been willing to negotiate," Taylor said. Mink's bill is being held in committee until the Park Service completes a report — due out the month — on the effects of aircraft on national parks.

Early drafts said aircraft noise could be heard 53 percent of the time on Haleakala crater's Sliding Sands trail. And the farther folks hike in the parks, the more they're bothered by the noise.

"This study should put to rest the notion promulgated by operators that helicopters are compatible with the management of national parks," Taylor said. "They're not."

Some operators, like Blue Hawaiian Helicopters president David Chevalier, still believe regulations can be avoided. He said one solution may be outfitting choppers with equipment that monitors and reduces all flights.

With the gear, noise complaints could be easily traced, he said, and the accused pilot either punished or vindicated. Six Big Island choppers already are using the equipment in a test program.

Such an approach might help control renegade pilots who don't follow rules, but it wouldn't reduce flight numbers, which rise steadily each year.

"I don't think anybody cares if an aircraft goes over a house a day, but several times

### USE YOUR POWER

You can tell authorities what you think about helicopter regulation in two ways:

■ The Federal Aviation Administration is investigating complaints of aircraft noise, flight safety and intrusive helicopter flights. You can comment at public hearings 5:30 to 8:30 p.m. this week:

□ Tomorrow, FAA Flight Standards District Office, 135 Hiko Place, Honolulu.

□ Tuesday, Kauai War Memorial Convention Hall in Lihua, Kauai.

□ Wednesday, 8th floor, Maui County Building, Wailuku.

□ Thursday, Room 201, Hawaii County Building, Hilo.

■ Rep. Patsy Mink's bill, H.R. 1596, would prohibit flights over much of Hawaii's Volcanoes and Haleakala national parks and ban flights completely over Kaoko, Hanalei, Pu'u Hanua, O'ahu, Maui, Pu'u Kohala and Maui national historical parks.

□ To comment, write: Rep. Bruce M. Vento, Chairman of the House Subcommittee of National Parks and Public Lands, 812 O'Neil House Office Building, Washington, D.C. 20515. Or call 202-226-7738.

an hour, that just isn't right," Puna's Wineinger said.

Reiser said the volume of noise in modern society is precisely why Hawaii's national parks are so adamant about regaining their peace.

"We didn't think too much about it 10 years ago, but now natural quiet is a resource," Reiser said.

"People can get more quiet, where in the world," said Jerry Moore, president of the Maui Chamber of Commerce. "Apparent noise. They come here to get quiet and quiet."

# HAWAII

Friday, January 21, 1994 ■ Star-Bulletin

## FAA eyeing tighter air-tour controls



### How high to fly?

Federal Aviation Administration public hearings on helicopters and low-flying aircraft will be from 5:30 p.m. to 8:30 p.m. as follows:

- **Monday:** FAA Flight Standards Office, 135 Nakolo Place, Honolulu.
- **Tuesday:** Kaula War Memorial Convention Hall, 40101 Hardy St., Lihue.
- **Wednesday:** County Building, 8th Floor, 200 S. High St., Wailuku.
- **Thursday:** Hilo County Building, Room 201, 25 Aupuni St., Hilo.
- **Written comments:** Air Traffic Rules Branch, ATP-230, Attn: Malodia De Marr, Aircraft Overflight Issues in the State of Hawaii, Federal Aviation Administration, 800 Independence Ave., S.W., Washington, D.C. 20591.
- **Information:** call Tweet Coleman at the FAA Flight Standards Office in Honolulu, at 837-8300.

### □ The agency will hold hearings for comments on low-flying aircraft

By Peter Wagner  
Star-Bulletin

The Federal Aviation Administration plans to hold a series of public hearings across the state next week to hear concerns over commercial helicopters and other low-flying aircraft.

One possible outcome could be new limits on flights over national parks or other sensitive areas, similar to those that now restrict routes in the Grand Canyon, FAA officials say.

Pressed by growing complaints over noise in parks and residential areas and an increasing number of accidents, the FAA is considering tighter controls over the air tour industry.

Unlike other commercial operators, air tour companies that stay within 25 miles of their point of origin don't need to file flight plans. Neither must they keep detailed records of flight paths, certify pilots, nor undergo frequent equipment inspections.

The FAA has proposed doing away with the exemption, granted years ago when air tours were in their infancy, to put companies under tighter control.

With regulated routes and better monitoring, officials say, the noise and safety problems can be addressed.

Low-flying helicopters and small airplanes long have been a growing concern, particularly on Maui, the Big Island and Kaula, where air tour operators are most active.

Hikers, environmentalists and residents of quiet neighborhoods, have

lodged complaints about noisy helicopters and small airplanes that shatter tranquility.

Tour flights have greatly increased on the Big Island since Hurricane Iniki struck Kaula, shifting commercial activity away from that hard-hit island.

"It is no longer possible to visit any portion of the state's national park system without being assaulted by the sound of helicopters," said Barry Stokes, president of Citizens Against Noise on the Big Island.

On Maui, a 1987 interim rule limiting flights over Haleakala National Park on Maui to 9,500 feet is no longer effective because of a large increase in the number of flights, residents say.

But tour company operators say they have a right to ply their trade, which was estimated recently to be an \$18 million-a-year industry in Hawaii.

U.S. Rep. Patsy Mink last year introduced a bill that would keep aircraft at least 2,000 feet over national parks in Hawaii. The bill also would ban flights over areas considered sensitive by the National Park Service.

Under current FAA rules, all aircraft are to stay at least 300 feet above urban areas.

But some say Mink's proposal, still under consideration, doesn't go far enough.

At the Grand Canyon, the only national park with special flight restrictions, special routes were established in 1991 to deal with high volume air traffic.

The FAA notes a large increase in the number of air tour accidents in the last 10 years: 146 fatal accidents involving 91 flights between 1983 and 1990.

More than 20 air tour accidents have been documented in Hawaii in the past four years.

# ii Tribune-Herald

HILO, HAWAII, WEDNESDAY, DECEMBER 29, 1993

2 SECTIONS — 24 PAGES 35 CENTS

## ior chief visits Big Isle



—T-H photo by William Ing

**FLIGHT PREP** — Interior Secretary Bruce Babbitt, right, and Richard Wass of the U.S. Fish and Wildlife Service, climb into their flight suits in preparation for an aerial tour of Big Island wildlands. Babbitt winds up a five-day Hawaii trip tomorrow on Kauai.

## Hawaii is No. 1 with him

□ U.S. Secretary of Interior gets an aerial view of isle.

By Jim Witty  
Tribune-Herald

The nation's top national resource official sees Hawaii as an environmental bellwether, a crucible for future national conservation policy.

Interior Secretary Bruce Babbitt, who arrived in Hilo yesterday for a two-day Big Island visit, said he believes the state is at once the most environmentally precarious and the most vigilant in dealing with the threat.

"I want to have a look at all the parks and wildlife refuges to be sure we're putting enough resources into those areas," said Babbitt yesterday shortly before boarding a helicopter bound for Hawaii Volcanoes National Park. "Hawaii is at the top of our list ... It's the most threatened and the most unique biological system in America."

In addition to the national park, Babbitt was scheduled to visit Bishop Estates land on the slopes of Mauna Loa, the Hakalau Forest National Wildlife Refuge and McCandless Ranch in West Hawaii yesterday and today. McCandless Ranch is home to the last flock of wild 'alala (Hawaiian crows) on the island.

"We're real pleased to have him," said Richard Wass, man-

See **BABBITT**,  
Page 12

# BABBITT: Hawaii ranks No. 1 on his list

From Page 1 *HN* 12-24-73

ger of the Hakalau Forest National Wildlife Refuge, home to several endangered bird species. "We're anxious to show him what we're doing. We feel like the end of the line out here in Hawaii. Sometimes we feel like we're neglected."

But Babbitt was quick to elevate Hawaii to priority one in comments yesterday.

"You're way ahead of other states in terms of captive propagation and (other conservation programs)," he said. "There's a big message here for the rest of the country."

How about the message he's

sending to critics of helicopter flight corridors over sensitive overflights by doing most of his Big Island travel via chopper? No problem, said Jason Wineinger, chairman of the Tour Aircraft Control Coalition. "Him flying around in helicopters, that makes sense," said Wineinger. "There is a mission for helicopters ... I don't hate helicopters ... We're just getting sick of having them in our face all the time."

Said Babbitt: "There's a place for helicopter flights. It has to be regulated."

He said he favors mandatory

diminishing the national park

experience for millions of visitors," Babbitt said when announcing the joint study earlier this month.

Babbitt toured Bishop Museum and Lyman Arboretum and attended a National Biological Survey meeting on Oahu Sunday. He also met with native Hawaiian groups. On Monday he was on Maui visiting the breeding programs for nene geese and the 'alala. He'll travel to Kauai tomorrow to see Waimea Canyon, the Napili Coast and Hanalei Valley National Wildlife Refuge.

Babbitt recently announced a joint effort between the departments of Interior and Transportation to investigate ways to reduce impacts from overflights at national parks.

"Aircraft noise is significantly

# Honolulu Star-Bulletin

WEDNESDAY, MARCH 16, 1994

THE PULSE OF PARADISE

ON OAHU 50 CENTS

A-16 □ Wednesday, March 16, 1994

## Honolulu Star-Bulletin

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## Action on national park noise issue is welcome

**H**IKERS in Hawaii Volcanoes National Park and residents of nearby areas have long complained about noise from helicopters and light planes on sightseeing flights. The same problem exists at other scenic areas elsewhere in Hawaii and on the mainland. Now two federal departments, Interior and Transportation, have announced that they intend to regulate flights over national parks. They are seeking comments and suggestions from the public as to how best to do it.

The problem is most acute at the Grand Canyon and the Big Island's Hawaii Volcanoes Park. The Transportation Department reports that 42 companies currently offer flying tours of the Grand Canyon, carrying as many as 10,000 passengers during peak summer months; nine operators fly about 60 tours a day over Hawaii Volcanoes Park.

The two departments intend to develop specific rules for the Grand Canyon and Hawaii Volcanoes and extend them to other parks if necessary. The Interior Department said that managers of almost one-third of park system units say they have a problem with aircraft overflights.

The issue has been a continuing one here. Attempts to deal with it on a voluntary basis — which would be much preferable to legal coercion — have thus far failed. Rep. Patsy Mink has proposed federal legislation.

In view of the failure of other remedies, the decision of the Interior and Transportation departments to work together on the problem should be welcomed. Our concern is that whatever rules are developed strike a balance between the concerns of the people who want quiet and the businesses and their customers who want continued access for aircraft.

Sen. Daniel Akaka put it well when he observed, "Somewhere in this great land of ours there must be places where we are able to take refuge from civilization to renew our spirit." The challenge for government is to create conditions in which the seekers of refuge and quiet and the airborne sightseers can better coexist.

# The Honolulu Advertiser

Wednesday,  
March 16, 1994

Neighbor Island Edition

A Gannett Newspaper

Beyond 1000

## Editorials

Wednesday, March 16, 1994

### Air tour noise

#### Federal rules welcome at parks

Washington's decision to cut noise pollution at federal parks in Hawaii and elsewhere by regulating air tour flights is long overdue. As U.S.

Transportation Secretary Federico Pena says, "Parks need to be places of beauty, tranquility and serenity."

Hawaii's air tour industry provides a valuable service to those unable to hike into the verdant splendor of remote valleys or witness smoldering volcanoes and lava fields away from the beaten path. It also generates dozens of jobs and much-needed taxes.

But the Clinton administration's decision to develop air tour flight rules is good news to anyone who has ever sought nature's serenity only to have the moment shattered by the buzz of tour planes or helicopters overhead.

It would be unfair to silence the industry and deny people access to air tours. But such

#### USE YOUR POWER

You can have a say in proposed rules for helicopters and aircraft over national parks. The Federal Aviation Administration is accepting comments and suggestions through June 16. Send three copies marked with "Docket No. 27643" to:

■ Federal Aviation Administration, Office of Chief Counsel, Rules Docket (AGC-200), Docket No. 27643, 800 Independence Ave. S.W., Washington, D.C. 20591

needs must be balanced against the rights of folks on the ground.

The Transportation and Interior departments will be soliciting comments and suggestions for the tighter controls. We hope they listen to the industry but realize, ultimately, that there are those who prefer to enjoy parks in a more conventional way.

## The Honolulu Advertiser

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# Hawaii Tribune-Herald

— NO. 131

HILO, HAWAII, THURSDAY, JUNE 2, 1994

2 SECTIONS — 24 P

Hawaii Tribune-Herald, Thursday, June 2, 1994—11

## Copter noise control

On March 15, 1994, the Federal Aviation Administration ("FAA") released for public comment an "Advance Notice of Proposed Rulemaking" ("ANPRM") with regard to overflights of National Parks. The ANPRM spells out options being considered as possible means of dealing with aviation noise pollution in the parks. Among the options: flight-free time periods, the establishment of flight corridors, and altitude restrictions to reduce aviation noise. Because of the very small size of Hawaii's National Parks, none of the options proposed is satisfactory for Hawaii.

The FAA ask in the ANPRM if there are parks where commercial air sightseeing tours should be wholly prohibited. If you value the serenity and peace for which Hawaii's National Parks, especially Hawaii Volcanoes on the Big Island, are famous, you are encouraged to tell the FAA that commercial sightseeing tour overflights of the National Parks in Hawaii should be prohibited. Additionally, you should stress the need for a two-mile wide no-fly buffer zone around the entire perimeter of Hawaii's National Park and Historic Sites in Kona especially deserve the highest degree of protection from the chronic intrusion of aircraft.

Even though the ANPRM addresses only national parks, this rulemaking procedure will get the standard for how FAA addresses noise issues in other "noise sensitive areas" such as the neighborhood where Hawaii residents live here on the Big Island.

To be effective, your input must be submitted — IN TRIPLICATE — by June 16, 1994, addressed as follows: OFFICE OF CHIEF COUNSEL, RULES DOCKET NO. 27643 (AGC-200), 800 INDEPENDENCE AVE. S.W., WASHINGTON DC 20591.

Need more information? Call Jason Wineinger (Tour Aircraft Control Coalition) at 968-8715, or write Citizens Against Noise, P.O. Box 364, Volcano HI 96785.

Jason Wineinger  
Spokesman for TACC

# The Honolulu Advertiser

or Island Edition

Wednesday, June 1, 1994

Beyond C

A15 ..... Wednesday, June 1, 1994 The Honolulu Advertiser

## Most copters not paying fee to parks

**Associated Press**

**VOLCANO, Hawaii** — Officials at the Hawaii Volcanoes and Haleakala national parks say fewer than half of tour helicopter companies required to do so are paying required overflight fees to the parks.

Congress ordered the National Park Service to start collecting the fees in March from tour aircraft flying over the two Hawaii parks and the Grand Canyon in Arizona.

For helicopters, the fee is \$25 per flight.

Jim Martin of Hawaii Volcanoes National Park said each company is supposed to report the number of flights it makes over the parks and the parks then send them a bill.

Only four companies out of 12 on the Big Island have reported their flights, Martin said.

On Maui, Phil Dendel of Haleakala National Park said four companies have been reporting one park overflight per day, but his staff has documented four to 10 flights per day.

Dave Chevalier, the Maui director of the Hawaii Helicopter Operators Association, said helicopters can stay outside the park, but still give passengers a view into Haleakala Crater.

The aircraft fee law has no enforcement mechanism and the reports are made on a voluntary basis.

Martin said that with so few companies reporting their flights, the companies now reporting might stop when they find out their competitors are not paying the fee.

Hawaii Tribune - Herald, Tuesday, May 10, 1994—11

## Helicopter intrusions

These helicopter intrusions into our peace and quiet have gone on too long without just consideration by the industry. They say they have a right to the air and their noise is a transitory inconvenience that benefits their — oops, our — economy. We should be willing to give them their air space, after all, it doesn't belong to us. It isn't even governed by the Feds, according to some Feds.

Then, let them also realize that is not only their airspace, but ours too, and we can impart our noises and visions into that space.

We have nicely asked them to treat us with respect, without much response except for those "pasture patties" of the male variety.

We claim the right to impart visual message to overhead vehicles that convey our corresponding disrespect of their space.

Give them the USS Pueblo Salute. Place outlines on your roofs, or in your yard, or give them the salute when they pass low overhead. Modify those foam No. 1 hands as seen at ballgames. Let them know how they are appreciated.

That seems appropriate; they have been doing it to us for years.

Robert K. Okawa  
Kealakekua

May 6, 1994

**Upcountry News**

# EDITORIAL

Environmental groups and helicopter businesses are again facing off over the right to fly over Haleakala and other national parks in Hawaii.

This time, the Sierra Club Legal Defense Fund, Citizens Against Noise and ten other Hawaii organizations are calling for two-mile altitude and stand-off buffer around homes and other noise sensitive areas; a ban on commercial tours over Hawaii's national parks; and other safety and monitoring requirements.

To this end, the groups have submitted a legal petition to the Federal Aviation Administration. They have the support of the state Legislature, which passed a resolution asking the state Department of Transportation to support the petition. The resolution notes that the two-mile stand-off may be too restrictive, though.

Citizens Against Noise contends that the overflights disrupt neighborhoods, threaten wildlife, violate Hawaiian sacred sites and pollute the national parks.

Helicopter operators argue that passengers wouldn't be able to see much from two miles up. Between the park overflight ban and stand-off, they would be left with few places to fly.

The primary issue on Maui is flights over Haleakala. After battling in prior hearings on the subject, Maui tour flight operators and Haleakala Park officials have made progress.

Pilots on March 1 entered a voluntary agreement to stop flying over Haleakala Crater and other areas inhabited by endangered birds. They have been flying along the park's borders, not over it.

This is a solution. It allows tour companies to stay in business and helps keep the crater a bit more quiet for hikers. It also helps protect the fragile ecosystem at Haleakala.

Given the current flight arrangement, a ban on direct flights over Haleakala is reasonable for both sides. We hope the FAA sides with the Legislature and Haleakala National Park officials and approves this rule.

# Hawaii Tribune-Herald

NO. 133

HILO, HAWAII, SUNDAY, JUNE 5, 1994

7 SECTIONS — 90 PAGES

## FAA & helicopter noise

With 51 to 130 sightseeing helicopter flights per day passing over Hawaiian Paradise Park, the residents of this rural area have very little peace and quiet. We, the residents, moved to HPP hoping to find the pleasures of a rural lifestyle, and before the sightseeing helicopter business discovered that there were fortunes to be made by exploiting the desire of many tourists to view the volcano's activities without the bother to drive out there and walk around from sight, are now burdened with the noise of helicopters sometimes as often as fifteen per hour!

One easy solution to this problem would be to designate "flying zones" for the helicopters. For example, one possible route, that would relieve the noise in HPP, would be to require all flights that originate at Hilo Airport to fly over the water to the forest reserve that lies between HPP and Hawaiian Beaches subdivision, then proceed inland to the area where the volcano is entering the ocean; then make the return flight around the point, over the water all the way. I am told that this is opposed by the industry because it would require all aircraft using those routes to have flotation gear on board and that would, perhaps, cut into the sacred profit margin. Had flotation gear been required it might have avoided the death of a tourist when the pilot showed poor judgment in handling his aircraft over the site.

Some friends and I have established "listening stations" to keep track of the helicopter flights, and it from those logs that the numbers at the beginning of this letter are taken. One of the stations is located in the north-east area of HPP, while the other is in the south-west quadrant. One hundred and thirty flights in a day that lasts from just before eight in the morning to about 6 p.m. averages out to an almost steady roar of helicopter engines, and we can expect twice that many if nothing is done to control the situation.

When can we expect the FAA to awaken from their slumber in the bed with the helicopter industry and take the actions for which that agency was established? It would be a shame to radicalize the citizens of this area to a point where some of them may decide to take matters into their own hands. This could be very dangerous to everyone. In a democracy such a possibility should not be allowed to occur, but all too often the government agencies charged with responsibility have turned their backs on the public, and we all suffer for it.

I urge everyone who has had enough of the noise and inconvenience of sightseeing helicopters to write to the FAA and give voice to your frustrations. It is only through concerted actions that anything will ever be done.

Dean Chandler  
Hawaiian Paradise Park

# Hawaii Tribune-Herald

- NO. 138

HILO, HAWAII, WEDNESDAY, JUNE 8, 1994

2 SECTIONS — 24 PAGES

## Letters

### New tour helicopter route

OK, all you formerly harassed Puna residents: we can all relax now because there's a "New chopper tour plan in effect," according to an FT-TH story (6/6). What great news! The Big Island members of the Hawaii Helicopter Operators Association have revised their Fly Neighborly Program, according to an unnamed organization spokesman.

But alas! The reality of their former version of Fly Neighborly was about as oxymoronic a term as one could find. And most of the Puna citizenry don't hold much hope for whatever the new plan may be.

If Bob DeCamp's welcoming of public comment of this "new" program is an example of how these chopper people are dealing with their tranquility busting, blatantly intrusive overflights, then thousands of Puna residents have little to expect from this new ploy. One PROBLEM, Bob, is that: a) you didn't bother to include the content of your "new" plan in your press release, making it difficult to comment upon, and b.) the phone number published for input of public comments (961-0104) is a RECORDING requesting that details of an illegal overflight be left on an answering machine. So, Mr. DeCamp, would you kindly publish the contents of this so-called new plan and give us a valid telephone number where we can input comments — perhaps even to a person.

And, finally, just to show us the sincerity of your invitation of public comment, would you also publish these comments and tell the good Puna folks out here who once enjoyed a pre-helicopter, quiet country-living lifestyle how you intend to implement these public comments. We'd appreciate it!

The map published in the 6/6 issue of the Trib. showed an obvious, non-intrusive route to take between Hilo airport and the Pu'u o'o crater. Make a slightly counter clockwise arc out of Hilo, over-fly Kulani prison and swing on over to the crater. For a look at the magma flowing into the Pacific, cruise down and back over the once-populated Royal Gardens subdivision.

And incidentally, you folks in Hilo will get what you deserve if you sit blithely back and allow the County Council to bulldoze this Aviation Training Center to come to fruition at Lyman Field. You'll then understand first hand what we folks out here in Puna have long understood: what it means to be victimized by excessive noise pollution. I should think the present hazards and noise from the airlines' take-offs and landings would give you pause for thought.

The time is long overdue for both the Helicopter folks and the County Councilpersons to back off from these intrusive forms of "progress." If you don't, East Hawaii will not only be known as the wettest area, but also the noisiest!

Don Bremer  
Keau

Hawaii

## Tribune-Herald

Q. 147

HILO, HAWAII, TUESDAY, JUNE 21, 1994

5 SECTIONS — 46 PAGE

Hawaii Tribune - Herald, Tuesday, June 21, 1994—11

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## Letters

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### Too many flights over my house

It's Sunday morning, 7:45 a.m. My house vibrates, windows rattle. I'd like to sleep in but am unable to because the tour helicopter from Kona has, once again, awakened me. Almost every morning, 7:45 a.m., this same tour company flies low over my home whether it's a week day, holiday or weekend. It's getting nerve wracking.

June 9 was a bit worse than usual. I counted 117 flights over my house. Thursdays and Mondays are cruise ship days.

The usual count is 80-95 flights over my home per day, and you may assume that I must live in the flight path near Hilo Airport — well no, I don't, I live in a very secluded area of Hawaiian Acres in the middle of nowhere.

To add insult to injury, I happen to have a nesting pair of "Io Hawk" on my land and on days of heavy air traffic I can hear their young crying because the parents can't hunt for food. So

I ask you, the general public, which is more important — the short term profits of the tour companies, or the long term survival of an endangered species? If all the tour companies PILOTS can't stay above 5,000 feet AGL (Above Ground Level), then please don't use Hawaiian Acres as a primary flight path. The "Io" thank you, and I thank you.

Paul Shrift  
Kurtistown

Hawaii

## Tribune-Herald

10, 143

HILO, HAWAII, THURSDAY, JUNE 16, 1994

4 SECTIONS — 26 PAGES

Hawaii Tribune - Herald, Thursday, June 16, 1994—7

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 Letters
 

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 Helicopters 'a plague'
 

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I had occasion to spend a few hours at Bird Park in Volcanoes National Park recently. My friend and I decided to walk the nature trail. It is a very special place, peace and solitude prevail, mostly. Unfortunately, the flyover by several helicopters destroyed all semblance of harmony with nature. I feel helicopters are a plague on the earth and should be banned except for military use (arguably another plague). To allow a small segment of the tourist industry to completely run rough shod over the many rights of locals as well as tourists is a disgrace. It is self evident isn't it? Must we organize and broadcast helicopter sounds from boomboxes at the residences of those responsible for allowing these miscreants to destroy the peace and solitude that once existed here?

John Allan  
Pahoa



Hawaii

## Tribune-Herald

3, 142

HILO, HAWAII, WEDNESDAY, JUNE 15, 1994

4 SECTIONS — 32 PAGES

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 Letters
 

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**Privacy invaded by copters**

I wonder how you would react if I drove my 20,000 megawatt blender up your street, turned it on, and left it on all day. Why, I bet you'd feel just like me. I bought 3 acres of secluded woodland in upper Orchidland on the Big Island some eight years ago. Nice and quiet and private. Now I feel like I live in the bowels of a factory.

Let's see. It's Sunday morning, my day of rest. Tough week, listening to saws and hammers all week. Good to be home, right? Well, not exactly. It's only 8:30 a.m., and I have seen and heard about four rafter-rattling hell-o-copter flights directly over my house. The return flights will come soon. Sounds like my blender, although I can't turn it off. If there were days without flights, I would hear birds and maybe the rain. Now, I hear only the flying blenders.

If this isn't enough reason to be annoyed, let's go a step further. When the clouds are low, so fly the blenders. Each blender carries tourists. Most have binoculars. I can see them without binoculars. They could tell me if I needed a shave with theirs. They could read my T-shirt. They could look in my windows. A privacy fence could keep my neighbors honest, but what about flying blenders with eyes?

I have recently read about the proposed no-fly zones. Now you will funnel all the traffic over certain houses. These people must be compensated. You have taken their privacy, their peace and their quiet.

James Bunten  
Keauau

## Letters

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### New helicopter route

In response to Chris and Ophelia's letter on June 1, I would like to add the following:

It is admirable that you defend local businesses, but you are misinformed concerning the local helicopter tour companies. They do indeed rent or lease their helicopters for marijuana maintenance programs. They do indeed fly over my property and around my property looking for marijuana. Some may indeed be undercover agents trying to pry into my private life. If they were undercover, how would you know?

Recently, the tour company pilots decided to fly over Hawaiian Acres subdivision ONLY. Their logic is that this will reduce the number of complaints of helicopter flights. This may be good news to those of you living in Nanawale, Paradise Park, Ainaloa, Orchidland, Volcano, etc., but it has turned out to be very bad news for me. I live in Hawaiian Acres and work at home, and the flights have increased over my house to no less than 80 flights per day during the past three weeks since this decision was implemented. Funny that this decision was also made during the last visit from the D.E.A.

Up until now I, too, gave the tour companies the benefit of the doubt. I realize they are operating a business. But if it means that I am going to have to evacuate my home because of their noise pollution and blatant disregard and disrespect to those of us who live in Hawaiian Acres, then I hereby withdraw any support whatsoever to their cause.

Terri Scott  
Kurtistown

## THE ENVIRONMENT

# Push afoot to shush air-tour park noise

By Linda Kanamike  
USA TODAY

National park visitors are grumbling about obtrusive noise from air tours.

Six years after Congress passed a law to turn down the volume from tour planes and helicopters over Arizona's Grand Canyon, activists there say Cape Solitude has no solitude. Point Sublime isn't.

Similar complaints created such cacophony at Hawaii's craters, pools and volcanoes that Congress begins hearings today on legislation to curb flight effects over national parks there.

"It sounds like you're in downtown traffic," says Honolulu's Nelson Ho, about hiking the giant crater at Haleakala National Park.

"In the 1970s, the only sound there was the wind, the crunching of lava cinder beneath my boots, and the sound of blood rushing through my eardrums."

Hawaii and Grand Canyon are a leading wave in the soaring, \$180 million-a-year air tour business.

As the nation's most treasured real estate draws ever-growing crowds — 250 million a year — air tour operators aren't far behind.

Air operators call this legislation, and a pending Park Service report on systemwide problems, an attack.

"The park service says we have not restored the natural quiet to the Grand Canyon, as the law requires," says Miles Becker of Papillon Grand Canyon Helicopters. "But we must figure out some type of solution."

Meanwhile, the popularity of air tours is spreading:

► Helicopter flights began this summer over Arches and Canyonlands national parks in Utah. Moab, Utah, is deba-

ting a ban of the helicopter landing pad there.

► A helicopter operator tried to locate a helipad outside Utah's Zion National Park. Adjacent towns rejected it, saying Zion Canyon is a natural echo chamber.

► Tennessee, home to the Great Smoky Mountains National Park, passed a law prohibiting helipads within 9 miles of the park border. Businesses are challenging it.

Superintendents have no real authority to limit, control or charge fliers because air traffic is regulated by the Federal Aviation Administration. "That's why there's frustration," says the Park Service's Wesley Henry.

He is compiling a report that shows visitors continue to be unhappy about noise.

Recommendations to Congress may range from limiting numbers, times and areas of overflights; giving operators incentive to use new, quiet technology; and charging fliers park fees.

For Roger Clark of the watchdog group Grand Canyon Trust there's little doubt change is needed: "If you're seeking solitude, it's a place hard to get to."

But the key issue in large part with the FAA, concerned primarily with safety.

"The agency recognizes that protecting the environment is also part of our mission. We intend to cooperate fully with the Park Service," says the FAA's Pat Carlisco.

Without action soon, many parks will face the same pressures as the Grand Canyon, says Terr Martin of National Parks and Conservation Association. "National parks are just 1.5% of the land base in the lower 48 states, and you still can't escape the sound of machinery?" she says. "That's a travesty."



## Noise in national parks

The National Park Service studied aircraft noise at 30 of its 367 sites in the USA. Those sites found to have noise that could be considered annoying:

ARIZ.: Glen Canyon National Recreation Area, Grand Canyon National Park, Saguaro National Monument

ARK.: Buffalo National River, Hot Springs National Park

CALIF.: Sequoia and Kings Canyon national parks, Yosemite National Park

FLA.: Everglades National Park, Gulf Islands National Seashore (also in Mississippi)

GA.: Cumberland Island National Seashore

HAWAII: Hawaii Volcanoes National Park, Haleakala National Park

MD.: Assateague Island National Seashore

MASS.: Cape Cod National Seashore

MO.: Wilson's Creek National Battlefield

MONT.: Glacier National Park

NEV.: Lake Mead National Recreation Area

N.M.: Bandelier National Monument

OHIO: Perry's Victory, International Peace Memorial

PA.: Gettysburg National Military Park

S.D.: Mount Rushmore National Monument

TENN.: Great Smoky Mountains National Park

VA.: Shenandoah National Park

WASH.: Mount Rainier National Park, North Cascades National Park, Olympic National Park

Source: National Park Service

## Parks Are for People, Not Planes NYT 11/17/93

You and your kids have just hiked or driven to Desert View, a vantage point at the eastern end of the Grand Canyon. To the north and west lies the Colorado River; to the east, the Painted Desert. And right above you, not quite close enough to touch but certainly close enough to ruin the moment, hovers a sightseeing helicopter.

The Grand Canyon has become a battleground for the human senses, and the airplanes are winning. At peak season, anyone standing at Desert View might experience only a few minutes of tranquility between flights.

This is not what Congress had in mind when it passed the National Parks Overflights Act in 1987 to restore "the natural quiet and experience of the park." Subsequent regulations banned flights below the canyon's rim but did nothing to prevent flights from doubling in the next six years. Nearly 800,000

visitors buzzed the canyon in 1992; one outfit alone conducts 100 flights a day during the summer.

The villains are not so much the tour operators as the Department of Transportation and the Federal Aviation Administration. In 1988 the F.A.A. gave Arizona \$1 million to expand helicopter facilities at Grand Canyon National Park Airport, which could lead to still more flights.

Bruce Babbitt, the Secretary of the Interior, has urged the Secretary of Transportation, Federico Peña, to delay the expansion pending the completion of a National Park Service study on noise levels. Mr. Babbitt clearly foresees a day when there will be fewer flights, not more; so far, Mr. Peña has been silent on the matter.

It's difficult to find any national park where only the silence of nature is heard. Parks are for people. But not for 200 or 300 planes a day.



## SIERRA CLUB LEGAL DEFENSE FUND, INC.

*The Law Firm for the Environmental Movement*

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January 24, 1994

**BY CERTIFIED MAIL -- RETURN RECEIPT REQUESTED**

Administrator David R. Hinson  
Federal Aviation Administration  
800 Independence Ave., S.W.  
Washington, D.C. 20591

HOME OFFICE

San Francisco, California

REGIONAL OFFICES

Boulder, Montana  
Denver, Colorado  
Juneau, Alaska  
New Orleans, Louisiana  
Seattle, Washington  
Tallahassee, Florida  
Washington, D.C.

**Re: Petition For Adoption Of Comprehensive  
Federal Aviation Regulations To Control Noise  
From Low-Flying Aircraft Traffic In Hawai'i.**

Dear Administrator Hinson:

The Sierra Club Legal Defense Fund ("SCLDF") hereby submits to the Federal Aviation Administration ("FAA") a formal petition for rulemaking pursuant to 14 C.F.R. § 11.25. This petition is submitted on behalf of the following organizations: Citizens Against Noise, Tour Aircraft Control Coalition, Sierra Club, Conservation Council for Hawai'i, Puna Outdoor Circle, Big Island Rainforest Action Group, Black Sands Beach Property Owners Association, Hawai'i's Thousand Friends, Life of the Land, Maui Air Traffic Association, Waialae 'Iki Ridge Parks Beautification Association, and 1000 Friends of Kaua'i.

These citizens groups now take the extraordinary step of petitioning the federal government directly for redress because the tour aircraft industry in this State is utterly out of control and is wreaking havoc with people's lives and the fragile environment of Hawai'i. Years of complaints by frustrated, angry citizens to the aircraft operators and to the local Flight Standards District Office ("FSDO") have fallen on deaf ears. Your agency, the FAA, not only has a moral obligation to take swift, strong action to return quiet and safety to the skies of Hawai'i, but it also has the legal duty to do so.

Administrator Hinson  
 January 24, 1994  
 Page 2

As required by FAA regulations, this petition sets forth: (I) the substance of the proposed rule; (II) the interests of petitioners; (III) information and arguments to support the requested action and why granting the petition is in the public interest; and (IV) a summary to be published in the Federal Register.

Before reviewing the details of their proposal, Petitioners would like to commend the FAA for holding public meetings in Hawaii from January 24 - 27, 1994 for the purpose of accepting public input on the issues of noise and safety problems associated with aircraft. We believe that this will be an important fact-gathering process for the FAA and for all of those concerned about these issues. Like the FAA, we intend to learn more about this complex issue throughout the public meeting process. Therefore, shortly after the close of the public testimony deadline for those meetings, we intend to supplement this petition with appropriate information.

Thereafter, we request that the proposed rule be published as soon as possible so that the public comment and review process can commence. We believe that you will agree that the petition discloses more than "adequate reasons" for adoption of new rules, and therefore also look forward to your instituting rulemaking procedures pursuant to 14 C.F.R. § 11.27(d) in a timely manner.<sup>1</sup>

I.

PROPOSED FEDERAL AVIATION REGULATIONS  
FOR NOISE SENSITIVE AREAS IN HAWAII

Petitioners seek the adoption of Federal Aviation Regulations that incorporate the following provisions and achieve the goals expressed therein:

---

<sup>1</sup> Should the FAA consider this petition to fall under 40 C.F.R. § 11.61, as relating to "airspace assignment and use," then Petitioners hereby request timely notification of that determination, the basis thereof, and an opportunity to supplement this petition with necessary additional information as described by FAA. To satisfy the filing requirements of both 14 C.F.R. § 11.25 and § 11.63(a), Petitioners have filed this application in triplicate.

Administrator Hinson  
January 24, 1994  
Page 3

§ 1. Purpose.

The purpose of this rule is to protect Noise Sensitive Areas ("NSAs") throughout the State of Hawai'i by instituting minimum altitudes and stand-off distances for tour aircraft in and around all NSAs. The rule is to be implemented by the adoption of Federal Aviation Regulations ("FARs") by the Federal Aviation Administration ("FAA") that prescribe new mandatory operating procedures for all persons operating tour aircraft in the State of Hawai'i.

Each NSA includes the airspace extending upward from the surface of the area within the NSA up to two miles Above Ground Level ("AGL") and a two-mile stand-off distance from all ground borders of the NSA.

§ 2. Definitions. For the purposes of this regulation:

Flight Standards District Office ("FSDO") means the FAA Flight Standards District Office with jurisdiction for the geographical area containing the State of Hawai'i;

Tour Aircraft means any aircraft or rotorcraft operated to conduct sightseeing flights and private or commercial charters.

Noise Sensitive Areas includes all:

- (A) Residences, meaning any occupied dwellings.
- (B) Private And Public Facilities, meaning facilities where people assemble, e.g., for purposes of health care, education, religious observance, or recreation.
- (C) Historic Sites, meaning all sites as designated in the National Register or Hawai'i Register as provided for in the Historic Preservation Act of 1966, Public Law 89-665, or Hawai'i Revised Statutes, Chapter 6E, and including all heiaus.
- (D) National Parks, including Kaloko-Honokōhau National Historical Park, Kalaupapa National Historical Park, Pu'uhonua o Hōnaunau National Historical Park, Pu'ukoholā Heiau National Historic Site, Haleakalā National Park, and Hawai'i Volcanoes National Park.
- (E) Public Parks, meaning State Parks, County Parks, wilderness preserves, regional parks, shorelines, recreation areas, and waysides.

Administrator Hinson  
January 24, 1994  
Page 4

(F) Wildlife Preserves, meaning federal, state, local, or private wildlife or waterfowl refuges, natural protected areas, reserves, marine life conservation districts, sanctuaries, natural area reserves, estuaries, forest reserves, and habitat for endangered or threatened species.

§ 3. Aircraft Operations -- Minimum Altitude.

Except in an emergency, no person may operate a tour aircraft in, or within a two-mile stand-off distance of, an NSA on or after January 1, 1995 unless the operation remains at all times at or above two miles (10,560') AGL.

§ 4. National Parks -- No Overflights.

Unless otherwise expressly exempt under Section 5, below, no person may operate a tour aircraft in, or within a two-mile stand-off distance of, any National Park in Hawai'i as defined in Section 2(D) herein.

§ 5. Exemptions. Operation of a tour aircraft may be exempt from Sections 3 and 4 if:

(A) conducted within 1 mile of a state airport for the purpose of take-off or landing from that facility; or

(B) conducted in emergency circumstances only under an IFR clearance and the pilot is acting in accordance with ATC instructions.

§ 6. Pilot Part 135 Certification Requirements.

Notwithstanding the provisions of 14 C.F.R. § 135.1(b), pilots and tour aircraft that operate above or through an NSA during any portion of the flight shall have current and valid certifications under Part 135.

§ 7. Display of Marks.

Notwithstanding 14 C.F.R. § 45.29 and any exceptions thereto, within one year of the issuance of this regulation, each operator of tour aircraft in the State of Hawai'i shall display unique standard identification marks at least 36 inches high on both sides of the aircraft and the underside, in a highly visible color sharply contrasting with the body paint, with an additional unique end code for that aircraft consisting of (A) the initials of the name of the company operating the aircraft and (B) the number of that aircraft for that company, in a serial fashion starting with "1."



Administrator Hinson  
January 24, 1994  
Page 5

§ 8. Continuous Effect.

This regulation shall be in effect continuously from the date of final publication.

§ 9. Instrument Ratings.

All tour aircraft pilots in Hawai'i must operate under Instrument Flight Rules ("IFR").

§ 10. Enforcement.

(A) Within one year of the issuance of this regulation, all tour operators must use an FAA-approved automatic flight, location, and altitude tracking system that is demonstrated to be effective at tracking violators of this regulation.

(B) In addition to other remedies allowed to the FAA and to affected persons, civil fines shall be imposed for all violations of this regulation in amounts no less than \$2,000 and not to exceed \$10,000 per violation per day.

(C) Any aggrieved person shall be entitled to bring an administrative or judicial enforcement action for violations of this regulation.

(D) All fines collected through enforcement action of this regulation shall be allocated as follows: (1) 50% to the PSDO; and (2) 50% to the affected community through an appropriate, non-operator-controlled, non-profit monitoring organization.

(E) All data, records, and information gathered or generated as part of any such enforcement efforts or investigations shall be maintained by the enforcing agency in perpetuity and made readily accessible to the public.

§ 11. Pontoons/Floatation Devices

All tour aircraft in Hawai'i shall be equipped with FAA-approved pontoons and floatation devices at all times so that sea routes can be safely used.

I.

THE INTERESTS OF PETITIONERS

Petitioners are a coalition of a dozen citizens' and environmental groups, based in this State and across the country, that strongly support protection of Hawai'i's natural

Administrator Hinson  
 January 24, 1994  
 Page 6

environment, and specifically restoration of peace and quiet to the skies of this State. As non-profit, public interest organizations representing thousands of individuals, Petitioners have both large and small memberships that include civic leaders, businesspeople, hikers, scientists, aircraft pilots, families, aviation users, students, agriculturalists, and a wide range of professionals. Petitioners' interests and concerns are widely shared by numerous Hawai'i residents and tourists alike.

Petitioners and their members have repeatedly written to their members of Congress, the State Legislature, the State Department of Transportation, the FAA, and their local papers about the innumerable problems caused by the tour aircraft industry in Hawai'i. They have become thoroughly exhausted in their efforts to cooperate with the State's and FAA's attempts to continue a dialogue with the tour aircraft industry so that a cooperative solution to the problems can be reached, only to find that the results are meaningless. To no avail, Petitioners have lodged repeated complaints with industry's and the State's so-called "help lines"; only to be told that the information is not specific enough and that no law is being broken by noisy low-flying aircraft.

Petitioners have experienced significant adverse personal and professional harm from the chaos currently reigning in the tour aircraft industry in this State. Rural homes are constantly buzzed, neighborhoods under flight paths are bombarded seven days a week with flights every few minutes, livestock is frightened, wilderness hikes are disrupted, scientific research is inhibited, and their nerves are frayed to the point of illness. They are tired of straining to catch the identification numbers of whizzing aircraft over their homes, been harassed when they have had the courage to take a public stand against the nuisance, and find their property values declining.<sup>2</sup>

While the interests of petitioners are varied, however, they have all come to the same conclusion: that the tour aircraft industry in Hawai'i is desperately in need of comprehensive, mandatory regulation by the FAA. Each of Petitioners is committed, moreover, to ensuring that the FAA responds in a timely and reasonable manner to this strong public outcry for the assistance of their government. They can do no less -- their lives and Hawai'i's environment are at stake.

---

<sup>2</sup> Petitioners attach hereto as Attachment "1" a collection of articles that include examples of the attempts by many of these citizens to achieve a reasonable solution of this very difficult problem.

Administrator Hinson  
 January 24, 1994  
 Page 7

II.

ADOPTION OF THE PROPOSED RULE WOULD DIRECTLY ADDRESS  
 THE NOISE AND SAFETY ISSUES PLAGUING HAWAI'I  
AND WOULD BE IN THE PUBLIC INTEREST

A. The FAA Has A Strong Mandate To Regulate Noise From Aircraft.

While it is well known that the FAA has a mandate to regulate the aircraft industry to ensure safety of the operators and passengers, the FAA has been reluctant to acknowledge that it also has an express statutory duty to regulate for the control of aircraft noise. The FAA's enabling legislation provides:

In order to afford present and future relief and protection to the public health and welfare from aircraft noise and sonic boom, the FAA, after consultation with the Secretary of Transportation and the EPA, shall prescribe and amend standards for the measurement of aircraft noise and sonic boom and shall prescribe and amend such regulations as the FAA may find necessary to provide for the control and abatement of aircraft noise and sonic boom, including the application of such standards and regulations in the issuance, amendment, modification, suspension, or revocation of any certificate authorized by this subchapter.

49 U.S.C. § 1431 (emphasis added). Thus, there is no doubt that -- if it has the willpower to do so -- the FAA has full authority to address both of the major issues that are the subject of this petition: noise and safety.

Moreover, Hawai'i has had specific experience with attempts by the State Government to address these issues. In 1989, the State adopted (after a lengthy expensive consultation process) a State Helicopter System Plan. A copy of that plan is Attachment "2" hereto. However, as a result of a federal lawsuit brought by the Hawai'i Helicopter Operators Association ("HHOA"), many important aspects of the state legislation was struck down on the basis of preemption. As a result, the State of Hawai'i has taken no action since adopted of the Plan to address in any meaningful way the tour aircraft problems plaguing its residents.

While we encourage the State to continue in its attempts to address tour aircraft problems, particularly as an exercise of its jurisdiction over airports, the end result of the State's

Administrator Hinson  
January 24, 1994  
Page 8

failed efforts is helpful in that it clearly lays the onus on FAA to exercise the jurisdiction that the courts have reaffirmed.

#### B. The Need For The FAR

The need for the FAR being proposed by Petitioners is amply demonstrated by numerous existing reports, studies, and meetings that have accumulated over the past two decades. Indeed, the problem is well-known, and is recognized by the FAA itself.

The current system of regulation, particularly for helicopters, is completely inadequate to respond to the noise and safety concerns of Hawai'i's residents. Currently, the only altitude and route limitation on helicopters is that they maintain a minimum altitude of 300 feet above the surface, and only in "congested areas." 14 C.F.R. Part 135. Although there is a 2,000 feet "advisory" for overflights of national parks, this too is not mandatory and has not resulted in any significant reduction in the problem. There is no minimum altitude for other than congested areas, nor any altitude limitation for protection of the environment, residential areas, public facilities, etc. Moreover, the FAA itself has not been able to enforce this limitation in a meaningful way. There appears to be a consensus -- even shared by some operators -- that new, stiffer regulation of altitude and flight limitations is warranted.

The proposal that new federal regulations be adopted to address these issues is, in fact, not a new one, nor is it only a desire of citizens groups to see such new regulations promulgated. The State of Hawaii -- after an extensive exploration of the issue in the late 1980s -- made this very suggestion. The 1989 State Helicopter System Plan's recommendation is worth repeating here:

The control of routes and altitudes for aircraft operations is feasible through the adoption of a Special Federal Aviation Regulation (SFAR) by the FAA. The SFAR for Hawaii could be structured similar to the one adopted for the Grand Canyon National Park. Provisions could include flight free areas on each island, imposition of minimum altitudes, and establishment of traffic patterns, routes, and altitudes in specific areas.

State and Federal agencies will need to designate specific areas to be included in the SFAR: Federal wilderness areas, national parks, sites on the national historic register, State-identified wildland areas, and noise sensitive areas such as wildlife and bird nesting habitats. It is recommended that the Governor submit

Administrator Hinson  
 January 24, 1994  
 Page 9

the petition to the FAA initiating the rulemaking process and coordinate the submission with Hawai'i's Congressional delegation.

Id. at v - vi.

In addition to this call by the State of Hawai'i for new regulations, Congress is taking a very close look at the issue of forcing new regulations for the tour aircraft issue, both here and throughout the country. Representative Patsy Mink introduced legislation (H.R. 1696) in April 1993 that would protect Hawai'i's national parks and other nationally protected recreational areas and cultural sites by mandating certain no-fly zones as well as a two-mile stand-off. A copy of Representative Mink's bill is Attachment "3" hereto. The FAR proposed by Petitioners parallels and complements this Congressional effort to control aircraft noise in the national parks.

The other important congressional action that supports the Petition is the National Park Service's almost-complete study on noise in selected national parks, including Haleakelā and Hawai'i Volcanoes National Park. While that study has not yet been released, Petitioners included as Attachments "4" and "5" hereto preliminary draft reports that support the need for noise containment in the national parks, and include extensive information about the degradation of the visitor experience.

Attachment "6" hereto is an earlier 1985 study that specifically focuses on Haleakelā National Park by Albert Perez. The Perez study makes clear that visitors to the national parks highly value "natural quiet," and that a substantial number (as high as 41%) point to tour aircraft noise as the "main source of dissatisfaction" with their visitor experience. Id. at 38. One of Mr. Perez's conclusions in particular is worth noting, that there is a very high level of frustration about the issue that must soon be addressed:

Comments from various types of trail users was often of a threatening or violent nature. This is an indication that it would be in the best interest of the air tour companies to find some way of resolving the user conflict problem before such threats materialize with tragic results.

Id. (emphasis added). Mr. Perez also concluded that "[b]y flying higher, tourist helicopter operators have shown that they can change their flight patterns without compromising safety or affecting their business." Id.

Another important study on the impacts of tour aircraft noise -- this one sponsored by the helicopter industry -- came to

Administrator Hinson  
January 24, 1994  
Page 10

some of the same conclusions. The July 1987 study for the American Helicopter Society by The Rumson Corporation (Attachment "7" hereto) recommended, inter alia:

Helicopters should refrain from operating over or adjacent to residential areas except under emergency conditions. . . . High frequency traffic over a residence is, by far, the most negatively received aspect associated with the helicopter.

The Rumson report concluded that:

The almost equal, high concern related to governmental regulation, living comfort, and operations suggests that more stringent control of helicopter operations, particularly over residential areas, could improve, significantly, public acceptance of the vehicle.

Id. at 13.

In addition to the impetus provided by the State and Congress on the concerns of Hawai'i's residents, the National Transportation Safety Board ("NTSB") has repeatedly called for stronger action by the FAA to address the nagging safety issues plaguing the industry. A copy of the NTSB's report on the 1992 "Flight 22" crash on Haleakela is Attachment "8" hereto.

→ These recommendations are particularly poignant because from April of 1992 through January 1993, a total of 20 persons died in ~~top~~ aircraft accidents in Hawai'i.

tour → The concern about tour aircraft noise is not limited to the impacts on people. Many scientists believe that the noise is having an adverse effect on wildlife, particularly Hawai'i's native forest birds, many of which are threatened and endangered. Although no definitive study has yet been done in Hawai'i, attachment "1" includes numerous articles on this topic, including the opinions of several widely respected researchers.

The concern is not limited to Hawai'i, and will undoubtedly be covered in the National Park Service studies. However, literature on the issue has already been gathered and reviewed by the U.S. Department of the Interior in an extensive study released in 1988, "Effects of Aircraft Noise and Sonic Booms On Domestic Animals and Wildlife," which is Attachment "10" hereto.

In short, while Petitioners believe that more research could always be conducted, a sufficient amount of information has already been gathered, reviewed, digested, and analyzed to support fully the altitude limitations, stand-offs, certification and safety measures proposed by Petitioners.

Administrator Hinson  
January 24, 1994  
Page 11

Lastly, Petitioners believe that it is important to emphasize that a wholesale transformation of tour aircraft operations in Hawai'i, and perhaps elsewhere, is in order. A band-aid approach simply will not solve the very serious problems, and probably would result in stronger calls for legislation and litigation.

Petitioners are aware that the FAA itself is reviewing potential new regulations in the form of eliminating the Part 135 exemption for helicopter operations. Attachment "11" hereto is a draft of the FAA's Advance Notice Of Proposed Rulemaking on this issue. Petitioners fully support the FAA's initiative in this regard, and have incorporated this same provision in their proposal (Section 6). As the FAA explains:

Under Part 91, operators are not required to maintain or report flying hours, flight segments, or number of passengers covered.

Since the origin of the regulatory exception for short-range sightseeing flights, the environment of sightseeing operations has changed. Aircraft congestion over popular sightseeing locations has increased. Also the speed and operational complexity of modern aircraft in combination with the congestion and low altitude flying creates a potentially hazardous environment, especially for inexperienced flightcrews.

Between January 1, 1993, and March 3, 1990, 146 accidents involving part 91 sightseeing flights occurred (61 airplanes, 49 helicopters, 26 balloons, and 10 gliders). These accidents resulted in death or serious injury to some flight crewmembers and passengers.

. . . .

While the FAA is primarily concerned with safety of sightseeing operations, other problems concerning sightseeing operations have also emerged. Aircraft noise over popular sightseeing areas is a nuisance for residents in the areas. Environmentalists complain of aircraft infringement of pristine natural areas and the effects of aircraft noise on wildlife as well as the presence and danger of aircraft in areas with large bird populations. Aircraft and helicopter noise can be mitigated through establishing routings and procedures in a tour operator's operations specifications, a solution applicable to part 135 operators but not to part 91 pilots.

Administrator Hinson  
 January 24, 1994  
 Page 12

Id. at 5 - 9.

Petitioners look forward to working with the FAA on this and other regulatory changes so that the affected agencies, industry, public, and the environment are protected from the degradation, economic uncertainty, and burdens imposed by the currently archaic and chaotic regime.

### III.

#### SUMMARY OF PROPOSED RULE FOR FEDERAL REGISTER PUBLICATION

##### A. Brief Description Of "General Nature" Of Proposed Rule.

The FARs proposed by Petitioners would govern all tour aircraft operations in Hawai'i by setting minimum altitude and stand-off distances of two miles (AGL) above and around "Noise Sensitive Areas" ("NSAs").<sup>3</sup> NSAs include residents, private and public facilities, historic sites, national parks, other public parks, and wildlife preserves. No overflights would be allowed over National Parks in the State.

The Petition would also eliminate the exemption for tour aircraft operating within 25 miles of an airport from the requirements that operators be certified under Part 135. The FARs include new requirements for display of marks on tour aircraft, a requirement that all flights be conducted under IFR, that pontoons and floatation devices be installed, and that an effective automatic tracking system be utilized by all operators so that violations can readily be detected.

##### B. Description of Pertinent Reasons Presented In Petition For Instituting Rulemaking Procedures.

The justifications for the institution of rulemaking are detailed in Section II above. The most pertinent reasons can briefly be summarized as follows:

(1) the FAA has a statutory mandate to adopt regulations for the "control and abatement of aircraft noise" pursuant to 49 U.S.C. § 1431;

(2) current regulations that could control noise from tour aircraft require operators to adhere only to a 300-foot altitude

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<sup>3</sup> Attachment "g" hereto is a schematic of the two-mile altitude and stand-off limitations as applied to both a single-point NSA (e.g., a residence), and a multi-point NSA (e.g., a state park).



Administrator Hinson  
January 24, 1994  
Page 13

limitation over "congested areas" and the 2000' limit over National Parks is advisory only;

(3) operators do not adhere to the 300-foot limitation, which is not sufficiently protective nor detailed enough to enforceable;

(4) voluntary, cooperative programs to limit aircraft noise have proven unsuccessful;

(5) State of Hawai'i efforts to enact a permitting system that would control tour aircraft had been found invalid due to federal preemption of the issues by the FAA, putting the responsibility squarely on the FAA to address the issue;

(6) identification of offending aircraft -- a prerequisite to enforcement of any regulation -- is nearly impossible given the current regulations regarding display of marks;

(7) there are no enforceable standards to control flight location and altitude so that noise from tour aircraft can be minimized effectively, nor is there currently any reliable system for tracking violators of any such limitations;

(8) tour aircraft have often been operated unsafely in Hawai'i due to inadequate control by the FAA, poor training and maintenance, failure to use IFR, and the lack of safety devices such as pontoons and floatation devices; and

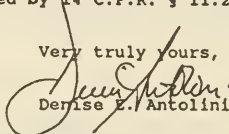
(9) the public's welfare, health, and safety, and the environment of Hawai'i is being significantly, adversely affected by tour aircraft flights at low altitudes.

In short, the lack of FAA regulation has allowed the tour aircraft industry in Hawai'i to operate recklessly and virtually without limitation for decades, despite the rapidly increasing number of aircraft, the high number of accidents, and the dramatic rise in conflicts with residents and recreational users. For these reasons, it is essential that comprehensive, mandatory regulations be adopted to protect Noise Sensitive Areas in Hawai'i, and perhaps elsewhere as well.

Administrator Minson  
January 24, 1994  
Page 14

We look forward to being notified in writing of the status of this petition at least every 120 days after publication in the Federal Register as required by 14 C.F.R. § 11.27(k).

Very truly yours,

  
Denise E. Antolini

cc: Rules Docket, AGC-10  
Federal Aviation Administration  
800 Independence Ave.  
Washington, D.C. 20591

Carl Schellenberg, Western Division  
Federal Aviation Administration  
Regional Administrator  
Box 92007, Worldway Postal Center  
Los Angeles, CA 9009

Aircraft Noise  
in Haleakala National Park.

Albert Perez  
Michael Quinn.  
October 11, 1985



RH  
919.6921  
P Perez

ABSTRACT

This study is a preliminary effort to determine the extent of the aircraft noise problem in Haleakala National Park. Previous to this study, no accurate data existed concerning aircraft noise in this particular area.

Data collected include counts of aircraft flights into park airspace, results from an informal survey of park users, and sound pressure level (dBA) readings taken from established trails within the park. Evaluation of these data indicate that 85 percent of flights through park airspace are made by helicopters owned by tour companies. Estimated altitudes for these helicopters were between 80 and 3,000 feet above the terrain. Fixed wing aircraft, including propeller and jet planes, also fly over the park, often below the 2,000 foot minimum altitude advised by the Federal Aviation Administration in its Advisory Circular 91-36B.

The adequacy of existing regulations is discussed in the context of the Wilderness Act of 1964 and the Noise Control Act of 1972.

62% of park users interviewed on the trails said they came to Haleakala for silence and/or solitude. 41% of these persons specifically named helicopter noise as the most annoying element of their wilderness experience.

The residual (natural) sound level for most of the park on calm days was between 25 and 30 dBA. Peak sound levels generated by aircraft flights ranged from 30 to 80 dBA, and averaged 60 dBA. In terms of loudness, this is about nine times the residual sound level.

Poor weather made it impossible to generate a soundprint of the park helicopter as scheduled. In addition, magnetic disturbances within the crater caused inaccurate compass readings on other observation days, making triangulation inaccurate or impossible. Thus, no reliable correlations between aircraft altitude and sound level were obtained. However, there was some indication that sound levels may be increased by reverberation when aircraft fly below the rim of the crater.

Both the survey results and the noise measurements are probably biased in favor of lower sound readings than are normally experienced. This is because the helicopter tour companies on Maui were made aware of the fact that a study was in progress, contrary to the study design. However, even with this bias, the study was successful in its objective of determining whether or not a specific problem does exist.

These preliminary findings indicate that there is indeed a significant problem in the form of conflicts between aircraft tours and other user types that is in need of more definitive study. With more accurate data about the noise environment within the park, better alternative solutions to any documented problems can be generated, evaluated, and eventually implemented.

Table of Contents

Abstract-	2
List of Tables	4
List of Illustrations	4
Study Area	5
Present Situation	5
Methodology	11
A. Survey	11
B. Sound Levels	12
C. Altitude Measurement	17
1. Observations	17
2. Calculations	17
Problems	19
A. Scientific Objectivity	19
B. Magnetic Disturbances	23
C. Communications	23
D. Soundprint Generation	23
Results	24
A. Sound Levels	24
B. Flight Frequencies	25
C. Altitudes	26
D. General Findings	28
Recommendations for Future Study	29
A. Crater Rim Readings	29
B. Unmanned Stations	29
C. Altitude Measurement	30
D. Research Team	31
E. Return Trip	31
Alternatives	32
Legal Factors	33
Appendix - Survey Results	37
References	39

LIST OF TABLES

<u>Table</u>		<u>Page</u>
1	Sound Level Measurements: Hovering Helicopter at Paliku	13
2	Sound Level/Noise Footprint Measurements: FAA-EE-82.16 Data	15
3-6	Survey Results: Questions 1 through 4	37

LIST OF ILLUSTRATIONS

<u>Figure</u>		<u>Page</u>
1	Measurement Locations and Flight Paths.	6
2	Sound Level Measurements - Hovering helicopters.	14
3	Graph: Noise Footprint Radius vs. Altitude.	16
4	Aircraft Altitude Calculation	18
5	Calculation of TERRALT	18
6	Graph: Altitude Above Terrain vs. Sound Level	20
7	Graph: Range to Observer (z) vs. Sound Level	21
8	Frequency Distribution - Peak Sound Levels	27

<u>Plate</u>		<u>Page</u>
Cover	AS350 cruising low along upper Kaupo Gap.	1
I	Photo sequence showing Bell 206 cruising along central crater floor near Mauna Hina.	9
II	Photo sequence showing Bell 206 skimming the top of Pu'u Naue in central crater (this sequence taken from steps of Kapalaoa Cabin.	10

STUDY AREA

Haleakala National Park on Maui is dominated by a post-volcanic erosional crater seven and one-half miles long and two and one-half miles wide. Starting at 10,000 feet elevation, it runs down to about 4,000 feet in Kaupo Gap. The crater is rimmed by cliffs that vary in height from 3000 to 700 feet. See Figure 1.

The spectacular scenery afforded the park visitor is found nowhere else in the world. For many years, people from all over have come here to view its grandeur from the summit observatory or venture down into the crater itself on foot or on horseback. For those who ventured this far, a true wilderness experience was assured. In 1976, a major portion of the park, including the entire crater area as well as the upper half of adjoining Kipahulu Valley, was officially designated as the Haleakala Wilderness under the Wilderness Act of 1964.<sup>1</sup>

PRESENT SITUATION

In the last few years, a new mode of visitor travel has become popular. Haleakala Crater is now the major attraction for tourist aircraft traffic on Maui, which has increased dramatically in the last decade. The noise generated by this new form of visitor transport has become the focus of concern of several citizens' groups seeking to ban flights within the park and elsewhere.

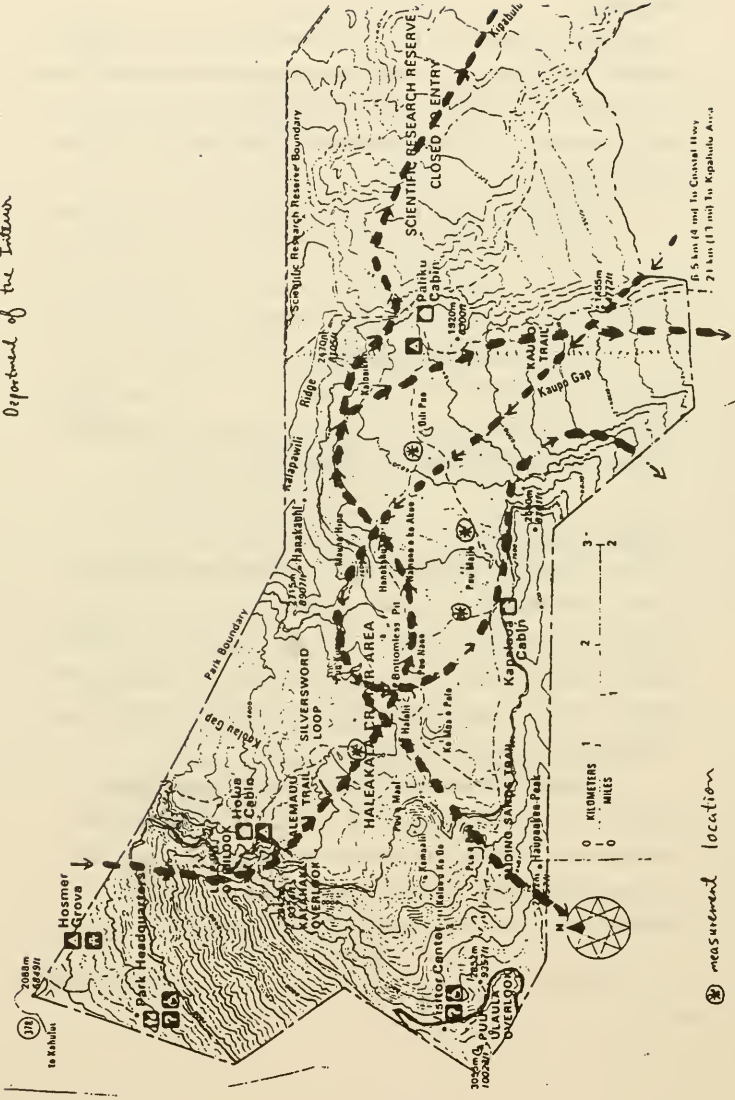
Helicopters are not restricted to roads, as are most motor vehicles. They can fly freely within the airspace of the park under current Federal Aviation Administration regulations, as long as they do not land. FAA Advisory Circular 91-36B suggests that they "Fly Neighborly" by maintaining a certain minimum altitude in order to avoid

HALE Noise

(S)

ALBERT PEREZ

National Park, National Park Service U.S. Department of the Interior



M measurement location

→ flight path

6.5 km (4 mi) to Coastal Hwy  
21 km (13 mi) to Kipahulu Area



disturbing wilderness visitors, but this is not a binding regulation.<sup>2</sup>

Section 4 of the advisory reads as follows:

4. VOLUNTARY PRACTICES

a. Avoidance of noise-sensitive areas, if practical, is preferable to overflight at relatively low altitudes.

b. Pilots operating fixed- and rotary-wing aircraft under VFR [Visual Flight Rules] over noise-sensitive areas should make every effort to fly not less than 2,000 feet above the surface, weather permitting, even though flight at a lower level may be consistent with the provisions of FAR 91.79, Minimum Safe Altitudes.

Typical of noise-sensitive areas are: ...National Park areas (including Parks, Forest, Primitive Areas, Wilderness Areas, Recreation Areas, National Seashores, National Monuments, National Lakeshores, and National Wildlife Refuge and Range areas).

c. During departure and arrival from/to an airport, climb after takeoff and descent for landing should be made so as to avoid prolonged flight at low altitudes near noise-sensitive areas.

d. This procedure does not apply where it would conflict with ATC [Air Traffic Control] clearances or instructions or where an altitude of less than 2,000 feet is considered necessary by a pilot in order to adequately exercise his responsibility for safe flight.

Helicopters are also exempt from the FAA minimum height limitations of 500 feet for fixed wing aircraft referred to in section 4b above. As a result, flight patterns are determined entirely by the pilots. Whether or not they pay attention to the advisory depends on company policy, and mostly on personal preference and judgement.

Many helicopter tour companies have been responsive to widespread community concern. They instruct their pilots to maintain certain altitudes so as to minimize disturbance to trail users, nene geese, and

rare forest birds. One company, Maui Helicopters, Inc., even took the research team on a free tour so that the noise problem could be viewed from their perspective.

However, many pilots continue to fly very low (see Cover and Plates I and II), at times causing trail horses to spook and threaten to throw their riders. At other times, park efforts at goat eradication have been interfered with; organized goat drives have been disrupted when low-flying copters spooked the goats in the wrong direction.

At low altitudes like that shown in Plate I, fatalities are more likely in the event of a crash. In the event of engine failure, the helicopter does not have enough time to begin autorotation before it hits the ground, so the force of impact is greater, and there is less control of exactly how the aircraft hits the ground. The probability of accidents occurring increases as the number of flights continues to rise. This type of accident became reality on September 26, 1985.<sup>3</sup> One person was killed and several injured in the crash of an AS350 AStar helicopter just outside the park boundary. It was just by chance that the crash did not occur within the Haleakala Wilderness. In addition to the tragic loss of human life, the wilderness environment would be very seriously impacted if this were to occur.

One particular characteristic of helicopters that makes their noise more persistent than airplanes is their ability to hover. Even if a pilot maintains a high altitude, the intense silence of the park is shattered for long periods by the chopping sound of the rotor, which drifts in and out depending on air densities and currents. When several choppers are in the park together, the reverberations against the cliffs dominate the attention of all users, especially those who have come seeking solitude.

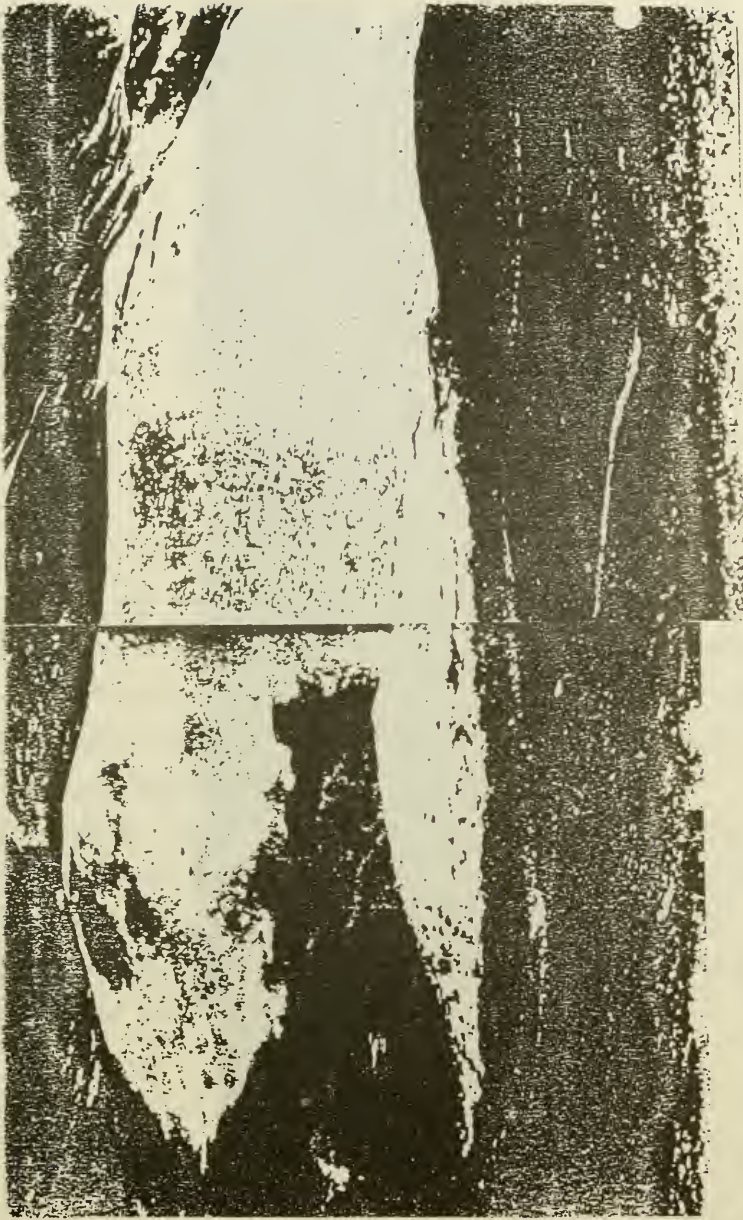


Plate I

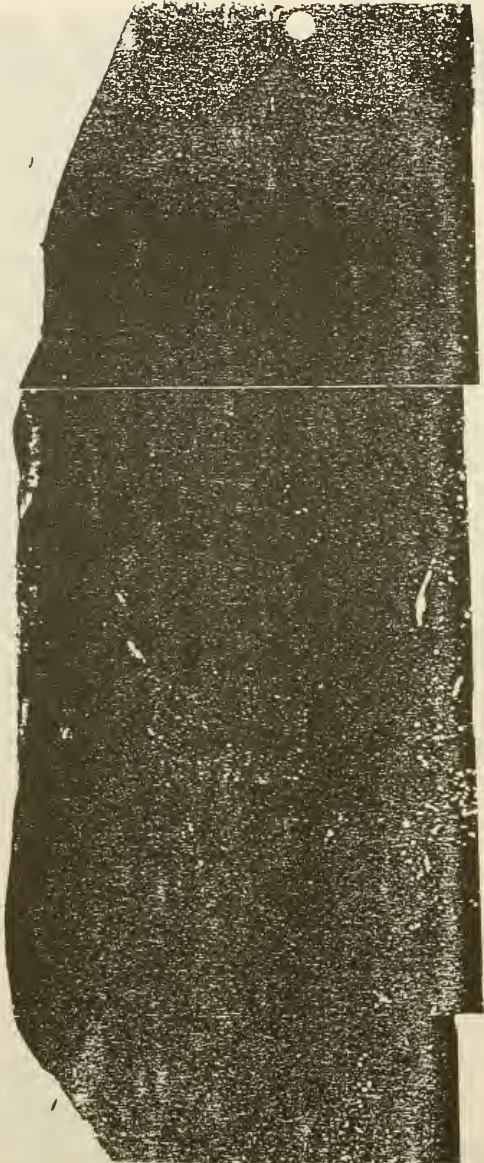


Plate II

## METHODOLOGY

The study was divided into two (2) one-week parts. The first week was slated for informal park user interviews, with time also set aside for noting general aircraft flight paths and frequencies. This information was to be used to determine strategic points for monitoring aircraft altitudes and sound levels during the following week.

No measurements were taken in the Kipahulu section of the park, but helicopters were regularly observed flying into that area. The effects of these flights on that fragile environment are not covered in this study.

### A. Survey

During the first week of the study, the two-man research team entered the park and began conducting informal interviews with park users. These interviews were designed to be conducted very quickly; it was felt that the people we encountered would be unreceptive to strangers asking them too many questions. As it turned out, responses were obtained from each of the 44 people that we met.

This portion of the study enabled us to obtain some very basic information about trail users without bothering them too much or even making them aware of the fact that a study was in progress. The open-ended type of questions asked also helped avoid biasing the responses of those interviewed.

Four questions were asked of each respondent:

- 1) Is this your first trip into the crater?
- 2) What do you like best about it?
- 3) What, if anything, bothers you most?
- 4) Have you ever been on a helicopter tour?

The fourth question was saved until last so that responses to the previous three questions would not be biased toward responses about helicopters in particular.

Question #1 served as a natural informal conversational item. Together with question #4, it was directed at uncovering the perceptual roots to the responses in #2 and #3.

Questions #2 and #3 were the most basic ones asked. They gave a direct measure of the enjoyment/dissatisfaction experienced by users of this national park. The results can be used in future planning efforts.

The results of this informal survey are shown in Tables 3 through 6 in the Appendix.

At the end of the first week, park-user interviews were terminated and actual aircraft monitoring began. From the flight observations obtained during the first week, the team was able to choose sound-level/altitude measurement points in the most frequently flown areas of the park.

#### B. Sound Levels

Sound pressure levels were measured with a Quest Model 215 Sound Level Meter, which meets or exceeds ANSI S1.4 Type 2 specifications. This meter was set on a "slow" position for all measurements, and a windscreen

was used to prevent erroneous readings caused by wind turbulence. The "A" weighting scale was used to approximate the hearing of the human ear. This meter is field calibrated, and is accurate to within 1.0 dB.

Since the study is concerned with effects of noise on park users, all sound measurements were taken along designated trails within the park. Therefore, all observations represent sound levels that a typical park user could actually be subjected to on a visit to the crater. Measurement locations are shown with typical flight paths in Figure 1.

On the first day of the study, the research team was dropped off by the park's rented helicopter at Paliku. The sound meter was positioned in an open area on the trail, 200 feet away from the visitor cabin. The pilot of the Hughes 500D helicopter was then instructed to hover directly overhead at 500 foot intervals up to an altitude of 2500 feet above the terrain. The following measurements were recorded (See Figure 2):

Table 1

Sound Level Measurements - Paliku

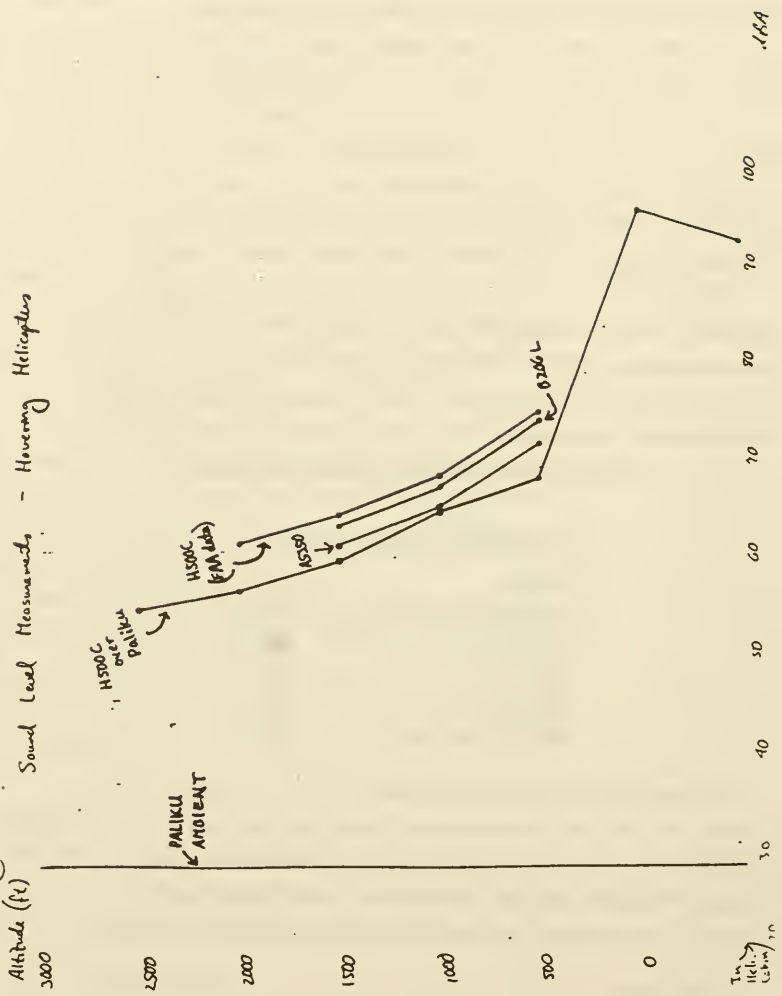
<u>Position</u>	<u>dBA</u>
Inside helicopter cabin	92.0
Ground level 30 feet away	95.0
500 feet	67.5
1000 feet	64.0
1500 feet	59.0
2000 feet	56.0
2500 feet	54.0
Residual Sound Level	28.0

Readings taken by the FAA through 2,000 feet altitude show a similar pattern, but are a few dBA higher overall (also shown in Figure 2).

Included in these data was a measure of  $R_{FP}$ , a 60 dBA Noise Footprint Radius, showing the horizontal distance from a point directly below the aircraft at which sound levels reaching the ground are 60 dBA or higher.

FIGURE 2

Sound Level Measurements - Hovering Helicopters



In. Helicopters (L/min)

ft



Readings for the three types of helicopters encountered in the park are as follows:

Table 2

Sound Level Measurements - FAA Data

TYPE:	H-500C		B206L		AS350	
	dBA	RFP (ft)	dBA	RFP (ft)	dBA	RFP (ft)
500 ft	74.2	2065	73.3	1885	70.9	1467
1000	67.7	1875	66.8	1674	64.4	1184
1500	63.7	1505	62.8	1246	60.4	391
2000	60.7	718	*	*	*	*

Note: \* indicates sound level below 60 dBA, the lower limit for this data set. Footprint data at lower decibel levels were not done in the FAA study. These could be generated in a followup of this preliminary study.

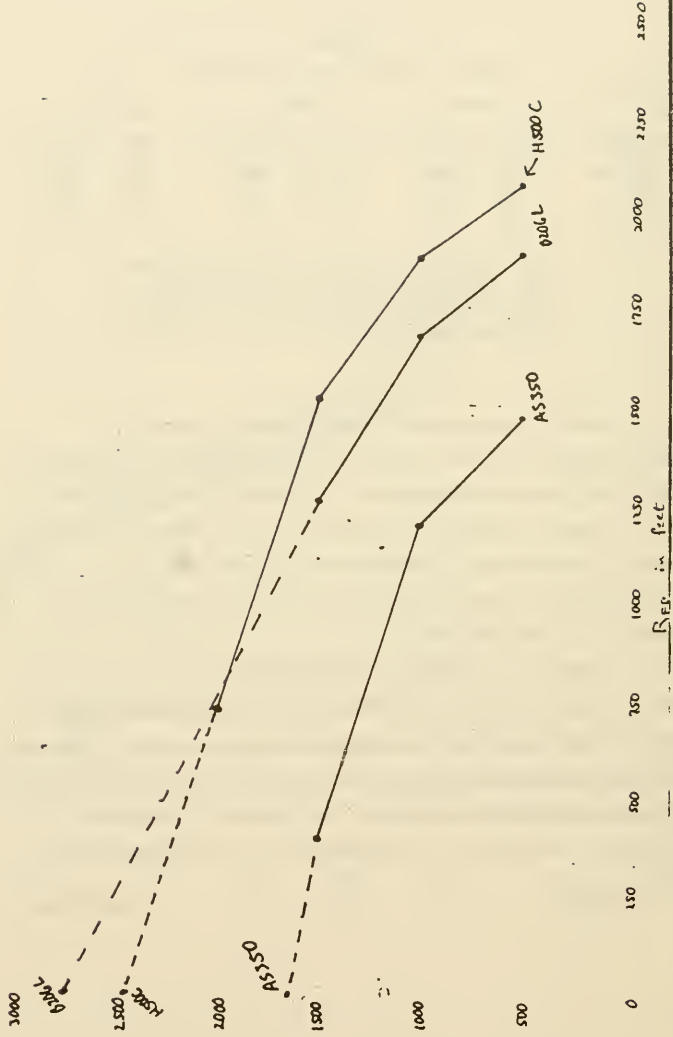
A graph of the noise footprint radii appears in Figure 3.

Extrapolation of the lines for each type of helicopter gives a rough idea of how high the aircraft would have to fly above the terrain in order to generate sound levels below 60 dBA on the ground. Whether or not this level is appropriate for a wilderness area is questionable. The important point to note is that all aircraft do not affect park users equally at a given altitude.

For example, if a minimum 2,000 foot elevation above the terrain is set as a guideline, H-500C and B206L helicopters would generate sound levels higher than 60 dBA, while AS350 helicopters would not. If instead the level were set at 3,000 feet to account for the noisier models, there would be no incentive for commercial tour operators to use quieter aircraft. A more equitable policy would use a set of criteria based on

FIGURE 3

Altitude (ft) GOMA NOISE FOOTPRINT RADIUS VS. ALTITUDE from FAA-EE-82,16



performance standards expressed in terms of dBA reaching park users and/or wildlife. This type of policy would encourage tour operators to invest in quieter aircraft so that they could provide their clients with a closer view.

### C. Altitude Measurement

#### 1) Observations

a) Observers 1 and 2 take three or more bearings on known landmarks to establish their exact locations for triangulation purposes.

b) Observer 1 notes dBA reading on "slow" setting, calls "Mark!," notes bearing to aircraft  $\alpha$ . Observer 2 hears "Mark!," notes vertical angle to aircraft  $\phi$ , notes bearing to aircraft  $\beta$  (see Figure 4).

#### 2) Calculations

a) Altitude = y

$$h = d \frac{\sin \alpha \sin \beta}{\sin(\alpha + \beta)} \quad (1)$$

$$a_1 = \frac{h}{\sin \beta} \quad (2)$$

$$y = a_2 \tan \phi \quad (3)$$

b) Sound Propagation Distance = z

$$z = \sqrt{a_1^2 + y^2} \quad (4)$$

Substituting (1), (2) and (3) into (4), and solving for z we get

$$z = \sqrt{\frac{d^2 \sin^2 \beta + y^2}{\sin^2(\alpha + \beta)}}$$

Note: y = altitude relative to observers. This was then converted into altitude relative to terrain, or "TERRALT", as shown in Figure 5. Both observers were located at varying distances d apart, but were at the same altitude to simplify the calculations. This was verified by sighting each other with clineometers to verify a  $\phi$  of zero.

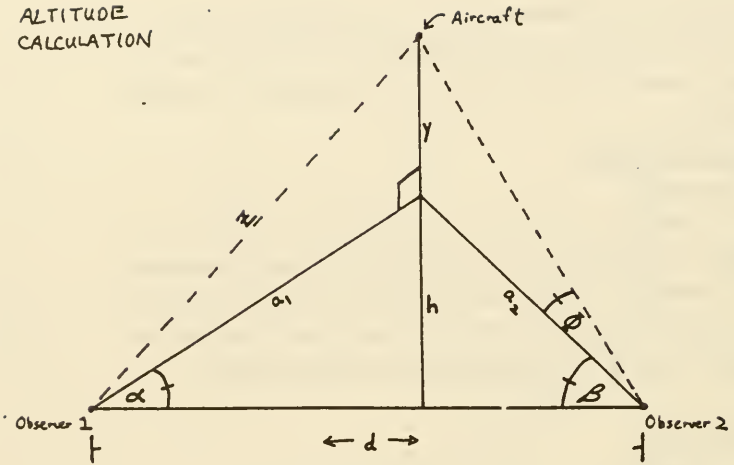
ALTIMITUDE  
CALCULATION

FIGURE 4

## CALCULATION OF "TERRALT"

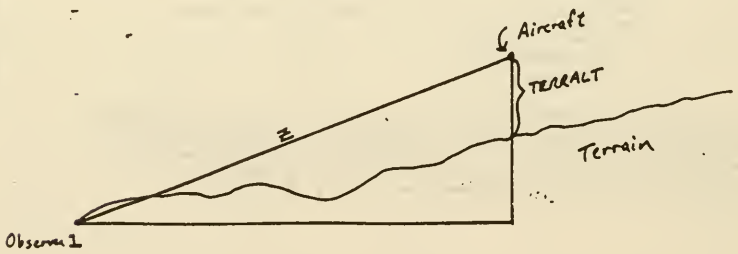


FIGURE 5

Graphs of these data appear in Figures 6 and 7. Although no clear relationship between sound level and altitude is evident (due to magnetic interference with compass readings), these figures do give some idea of noise to which park users and wildlife are exposed.

#### PROBLEMS

Several problems were encountered during the course of the initial study. Following is a discussion of each.

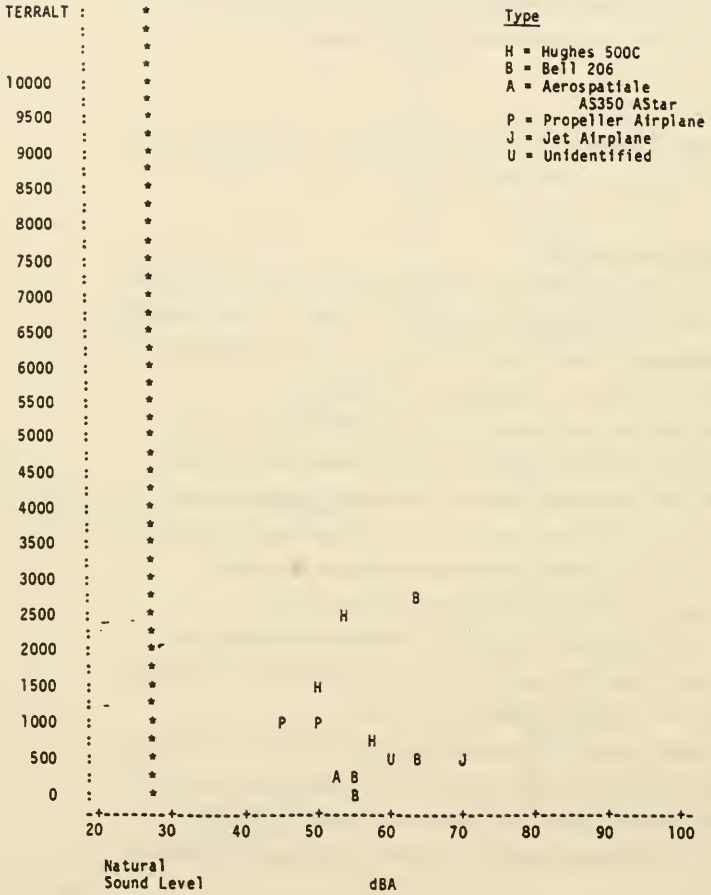
##### Scientific objectivity

The design for this study included contacting helicopter companies after scientifically unbiased measurements were taken. It was recognized that these companies would play a vital role in any future planning process. Unfortunately, a meeting had already been arranged for us by the park staff with Maul Helicopters, Inc. on the first day of the study. While they were extremely helpful, it can be assumed that the other companies were subsequently informed through their association that a noise study was in progress and that they should be especially careful during the next two weeks to fly high and avoid us if possible.

Support for this assumption came from several areas:

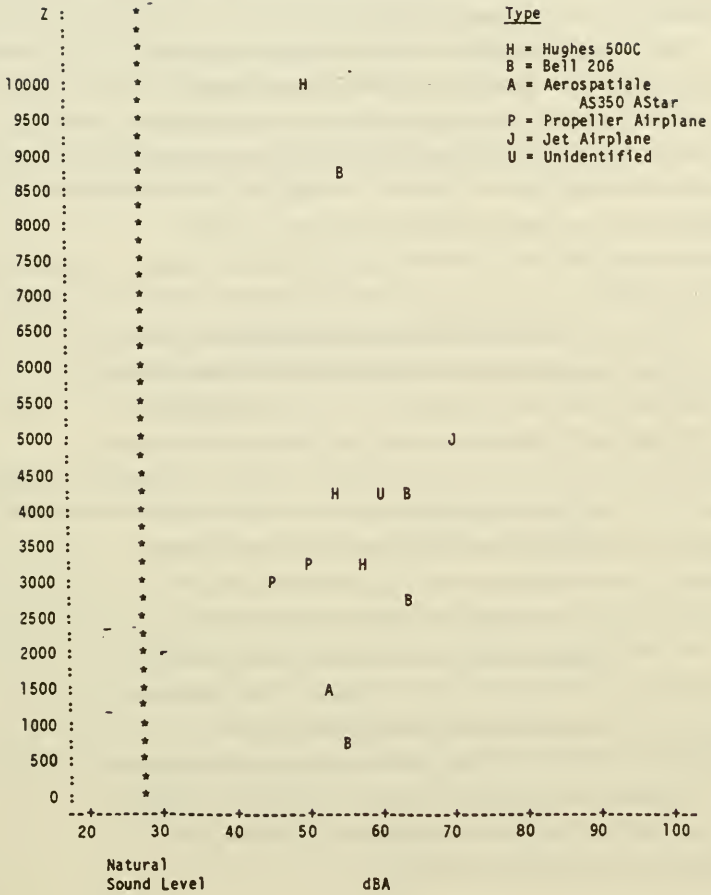
- 1) Park personnel commented that the tourist helicopters were flying much higher than usual. Of course, they were aware of the study, and this could have influenced their comments.
- 2) Two separate concessionaire paniolos remarked that they didn't know why, but they were glad that the choppers were flying high all of a sudden. This was because their horses often spooked at the noise, making injury to their clients possible, especially on the steep switchback

PLOT OF TERRALT vs. dBA  
(SYMBOL IS VALUE OF TYPE)



## PLOT OF SOUND PROPAGATION DISTANCE (Z) vs. dBA

(SYMBOL IS VALUE OF TYPE)



trails. One concessionaire remarked that his son had come close to being bucked off the Halemau'u switchback. He said he would have shot the copter down if his son had actually fallen.

These park users' comments are significant because they were unaware of the fact that an aircraft noise study was in progress.

3) When researcher Perez was in Haleakala in early January of 1985, several tourist helicopters were observed flying at about 300' over Holua Cabin just after sunrise. Generally, it seemed that the helicopters flew lower than during the July study. However, equipment was not available to accurately measure altitudes or sound levels at the time.

4) On the first day of coordinated sound measurements, a silver Bell Longranger came in low as the research team was positioned near Oili Pu'u, and hovered less than 100 yards away at an altitude of about 80 feet. A sound level of 80 dBA was recorded just before the pilot spotted the researchers, at which point he quickly left the crater. For the rest of the day, the only tourist helicopters seen were very far from the stakeout (which position was specifically chosen for its high flight frequency), flying on routes that were totally different from those of the preceding week, and completely avoiding our end of the park.

For the remainder of the week, the research team was careful to avoid being seen by any aircraft, taking advantage of what little cover there was. In this way, measurements were obtained that were representative of the normal flight patterns of the tourist helicopters.

5) Rangers and park volunteers who were in the crater during and after the study said that the helicopters began flying much lower immediately after termination of the study.



### B. Magnetic Disturbances

Strong magnetism in the rocks within the crater caused compass bearings to be very erratic. Of 25 coordinated sound/altitude measurements, only 12 converged when the bearings were triangulated. The reliability of these converged measurements is itself questionable.

This problem can be overcome in future studies by using alternative methods of altitude calculation, discussed later in this report under Recommendations.

### C. Communications

Four of our coordinated measurements had to be scrapped due to poor or no transmission of the "Mark!" signal via the CB transceivers used by the research team. A stronger set of radios would have enabled us to communicate more reliably.

### D. Soundprint Generation

The generation of a soundprint for a Hughes 500D model helicopter was to have been done on Monday, July 15th. Unfortunately, the weather did not cooperate; there were high winds and rain for most of the day. In addition, there was excessive demand for the park's rented helicopter. As a result, many research efforts were started on that day, but few if any were completed.

A good solution would be for this study team to rent a helicopter separately for a few hours of efficient use.

RESULTSA. Sound Levels

Normal background sound levels for this wilderness area on a calm day range from 20 to 30 dBA. Sound levels generated by various aircraft during the study period ranged from 30 to 80 dBA, depending on the type of aircraft, altitude, wind speed and direction, and linear distance from the observer. Some data indicate that reflected sound caused by aircraft flying below the crater rim may increase the measured sound level. This has not been confirmed at this stage of the study.

However, it was noted that in locations near cliffs such as Paliku, all types of sounds echoed and reechoed many times. Nene calls, human voices, gunshots, etc., all generated distinct echoes, the number of which depended on the intensity of the original sound impulse. Aircraft noise, being continuous, did not become fainter, but was amplified due to the addition of the original sound impulses with the echoes. Significantly, the resultant increased sound level did not come from a mobile point source, as is normally the case with aircraft noise; the echoes from the cliffs produced a "surround-sound" effect that markedly changed the character of the area and caused the nene geese and forest birds to become very excited. Whether this excitement has any effect on the nesting patterns of the many endangered species within the park has not been determined, being beyond the scope of this study, but would be an excellent topic for future work.

Single- and twin-engine propeller planes generated peak sound levels of between 40 and 50 dBA. One large private jet aircraft was observed flying in and out between cinder cones Pu'u Maile and Olli Pu'u

about 450 feet off the ground. This aircraft generated a peak sound level of 70 dBA at a distance of approximately one-half mile.

Three types of helicopters were observed during the two-week study. The Hughes 500 model aircraft were the loudest, and generated a higher frequency sound than the other two types, often associated with a higher received noise level<sup>4</sup>. Bell Model 206 Jetrangers and Longrangers were somewhat quieter, while the Aerospatiale AS350 Astars were the quietest of the three types observed.

#### Flight Frequencies

Frequency of flights ranged from 13 to 21 per day, with an average of 17 flights per day. This figure may vary with the stage of the tourist season. This study was conducted during the "slow" stage; during the winter there is much more tourist helicopter activity.<sup>5</sup> Also, a United Airlines strike had recently been settled; this may have reduced the amount of tourist traffic even further. This generalization would seem to be plausible, and is supported by an estimate of about 30 helicopter flights per day in early January of 1985<sup>6</sup>.

The frequency of flights can be expected to increase in the future as more companies enter the business and/or as existing companies augment their fleets. According to Bill Mowry of SUNRISE, a citizens' group fighting noise pollution on Kaua'i, one tour company is scheduled to bring in twelve more helicopters in September. Six of these will probably go to Kauai, where the Na Pali Coast State Park wildland area already gets up to ninety flights per day<sup>7</sup>. The remaining six will presumably be distributed between Maui and Hawaii islands<sup>8</sup>.

The average peak sound level of aircraft within the airspace of the crater was 60 dBA. This translates to an increase of almost ten times the background sound level of the area in its natural wilderness state. This would seem to be inconsistent with the intent of the Wilderness Act of 1964, which defines a wilderness as

" ... an area of undeveloped Federal land retaining its primeval character and influence, ... which ... has outstanding opportunities for solitude ... "9

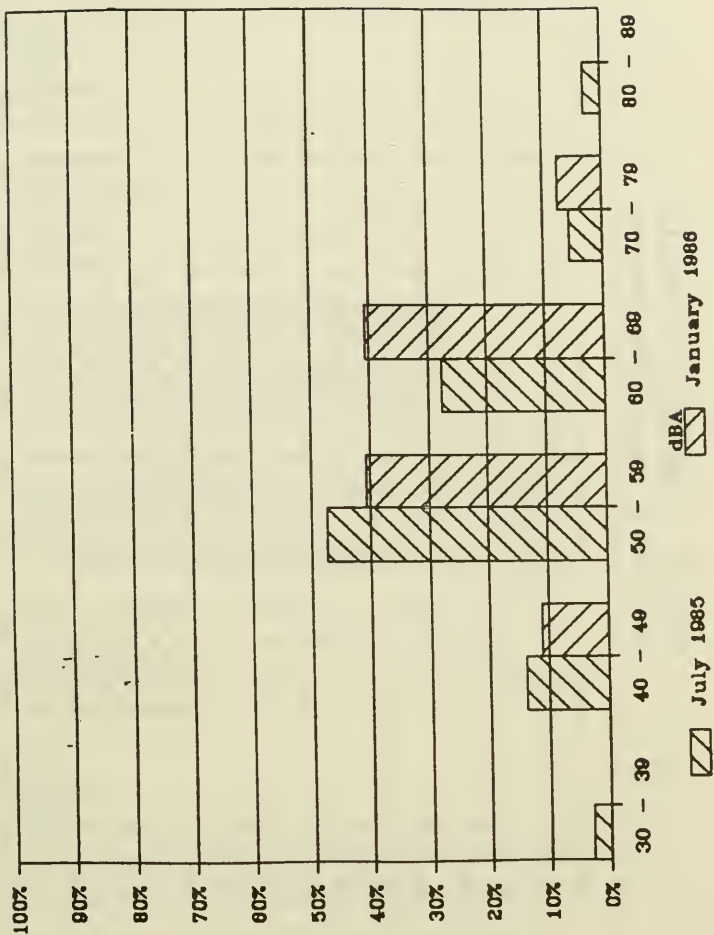
A histogram of the peak sound events measured during the study period appears in Figure 8.

#### C. Altitudes

As mentioned previously, magnetic disturbances caused the researchers to question the reliability of the twelve altitude measurements that did converge. However, for informational purposes, these ranged from 63 to 2732 feet above the terrain. The average value was 925 feet. Sound propagation distances (z) ranged from 737 to 9912 feet.

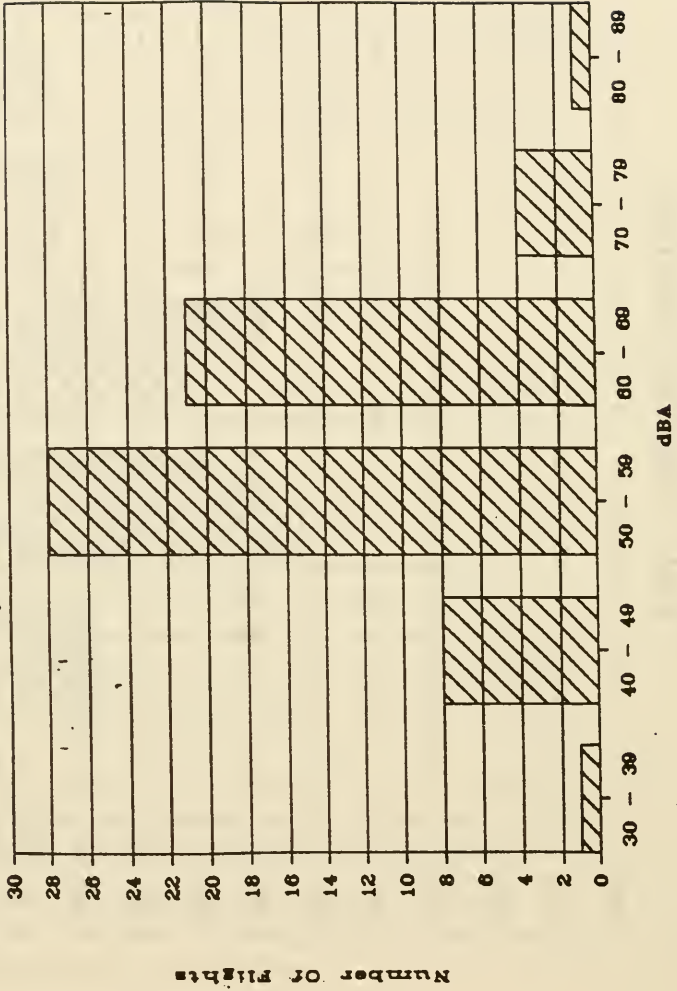
It must be emphasized that these altitude data may be unreliable. However, they do correlate reasonably well with altitude estimates of 80 to 3000 feet made during the previous week's flight pattern observations. Of course, sound propagation distances could not be estimated well at that stage. The average estimated altitude of observed flights during the first week was 1350 feet.

## Peak Sound Events



# Peak Sound Events

July 1985 & January 1986 Combined



RECOMMENDATIONS FOR FUTURE STUDYA. Crater Rim Readings

As noted previously, there is a possibility that aircraft noise impact is increased when flight paths dip below the rim of the crater, due to reverberation effects. This idea was voiced by several park personnel, and appeared to be confirmed by casual observation. In order to determine the validity of this hypothesis and to generate some detailed data on this phenomenon for use in future planning efforts, a followup study needs to be done.

A helicopter rented exclusively for the study would be free to hover at several altitudes above eight to ten points along the rim of the crater. By hovering directly over these points, as well as at a certain distance behind the rim at these points, the effects of proximity to the rim can be established as well.

Monitoring stations within the crater should be set up at several points. Impact on campers can be measured by setting up sound level meters at each of the three cabins. Impact on trail users can be determined by setting up meters at several locations along the trail, as was done in the present study.

B. Unmanned Stations

To save on helicopter time, the monitoring stations should be set up as unmanned recording units complete with their own time tracking devices. In this way, all the recording units could be set up in advance, and one helicopter run made; all instruments would measure the generated sound levels simultaneously. The sound level data could then

be analyzed later, in a non-field setting where damage to sensitive sound measurement instruments would be less likely.

Optionally, the recorders could be set up to be activated by a certain threshold sound level. With this capability, and with sufficient recording medium and batteries to last seven days, they could be left in the field to provide continuing data. Maintenance done on a weekly basis would include changing tape and batteries as well as checking on the condition of the instrument.

Work on specifications for such a system has already begun - audio consultants have been contacted. Accurate data could be furnished at a very low cost, facilitating the generation of a profile of the noise environment in this wilderness area.

### C. Altitude Measurement

An alternative method of calculating aircraft altitudes that is not subject to magnetic anomalies is desirable. One method that could be particularly useful with helicopters is photographic measurement using a camera with a lense of known focal length. Measurements of rotor width could be compared against a reference object to generate an approximate altitude. The accuracy of this method would be improved by using two or more cameras as was done with the compass method.

Another method would be to utilize hand-held radar guns like those used by traffic policemen. Instead of a digital readout showing the speed of the object, a different type showing the linear distance from the observer to the object could be obtained. More research about the cost and accuracy of this method needs to be done.



#### D. Research Team

A larger research team may be desirable in order to facilitate more accurate measurements. The two members on the current team had to operate three instruments simultaneously. Ideally, a four-person team would be desirable. This way, the leader would call out "Mark!" signals and identify the aircraft with binoculars. The sound meter and two triangulation devices (cameras or radar guns) would be operated by the remaining three members. This would reduce the amount of confusion when making rapid measurements, therefore reducing the chances of error or lost measurements.

#### E. Return Trip

As previously described, the sound level measurements and survey data obtained may have been biased by the helicopter companies having been made aware of the study. While this development does not necessarily invalidate the data obtained or make it useless, it does call for confirmation. A return trip needs to be made without the knowledge of the companies, the park service, or anyone else. In this way, the objectivity of the data obtained will be assured. Results of a survey taken when choppers are flying their normal flight patterns may be different; if choppers are lower, this may influence the attitude of park users toward their impact.

The return trip should take place during the winter months, in order to measure any seasonal variation in flight frequency.

ALTERNATIVES:

Several alternative solutions for reduction of noise impacts on this wilderness area have been generated by the research team and by people who were contacted before, during and after the study. Some of these would require new legislation, and the enforceability of some alternatives would be questionable.

## 1) Compromise days

Certain days of the week could be set aside for tour flights into park airspace. This would allow wilderness users who seek solitude to schedule their trips on quiet days. Persons who for various reasons are unable to make the trip on foot or horseback would still be able to view the park, providing they could afford the high cost of the air tours. It is possible that tour companies would object to this alternative because of the decrease in revenue they might experience. However, if the companies could concentrate their flights over a shorter time period, current revenues could be maintained or even increased.

## 2) Crater rim only

Aircraft would be restricted to flying only up to the park boundary, which mainly follows the crater rim. This would be a good solution if it is found that flights within or below the rim do result in increased sound levels because of reverberation.

## 3) Performance Standards in dBA

Research done by the U.S. Forest Service indicates that any

increase in sound level over the natural sound level is inappropriate for wilderness areas.<sup>10</sup> Aircraft flying high enough transmit no noise to the ground in the park. The altitude at which this occurs would depend on the type of aircraft involved. This type of alternative would most likely require new legislation to be implemented, and determination of a minimum altitude would be difficult.

If instead this new legislation were couched in terms of performance standards measured in dBA, tour companies would be encouraged to find quieter types of aircraft. This would benefit the surrounding communities as well. Enforcement of this type of regulation would require either the installation of permanent monitoring stations or random checks by park personnel. Although this might seem difficult, the technical and logistical problems encountered would most likely be solvable.

#### LEGAL FACTORS

More work needs to be done on the legal end of the noise pollution problem in this and other wilderness areas. As it is now, there is some question as to whether the Wilderness Act applies to aircraft operation over wilderness areas. Section 4(c) of the Act states that

... except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be ... no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, [and] no other form of mechanical transport.<sup>11</sup>

Helicopters are not specifically mentioned in this passage, nor are tourist airplanes that pass through without landing. Both are forms of motorized equipment, and both qualify as means of mechanical transport.

The Final Environmental Statement on the Proposed Wilderness Classification of Haleakala National Park says, under the heading "Adverse Effects Which Cannot Be Avoided Should The Proposal Be Implemented," that

Use of the Haleakala wilderness will generally be limited to those physically fit to hike or who have the funds to hire horses and/or pack animals. That large segment of the public who are dependent on mechanical or motorized travel will be excluded, a continuation of the status quo at Haleakala.<sup>12</sup>

Thus, the exception in the Act for "... the use of aircraft or motorboats where these uses have already become established ..." does not apply in this case. Regular aircraft use did not become established in this area until after it was designated as wilderness.

Congress was aware of these factors when it approved the proposal for wilderness designation. Although the Final Environmental statement does not carry the legal weight of a statute such as the Wilderness Act, understanding of its content was implied by congressional approval of the proposal. The fact that the character of the Haleakala Wilderness has undergone such a drastic change is clearly contrary to the intent of Congress in approving the designation.

This is perhaps due to the lack of a clear mandate as to exactly which agency is responsible for enforcement of the provisions of the Wilderness Act. In addition, although the intent of the act seems clear, those provisions may not be specific enough to be enforceable.

The administering agency, in this case the National Park Service, is responsible for preserving the wilderness character of the area. However, complaints about aircraft noise received by the Park Service are normally referred to the Federal Aviation Administration.

The Noise Control Act of 1972 gave the Environmental Protection Agency control over regulation of noise pollution from virtually every mechanical source except aircraft.<sup>13</sup> Control of aircraft noise and sonic boom was given to the FAA, whose primary mission is not pollution control, but air safety and commerce.<sup>14</sup>

This is inconsistent with all other pollution regulation. The EPA sets and enforces standards for all types of pollutants, including aircraft emissions. It seems plausible that the EPA would be just as capable of handling aircraft noise pollution, without compromising either air safety or commerce. Responsibility for control of this type of pollution should be given to the agency with the appropriate mandate. FAA already has a comprehensive aircraft enforcement apparatus in place, but their mandate may have to be modified by Congress to include noise abatement. This inconsistency may need to be addressed more specifically in the future, especially as it pertains to the Wilderness Act, a relationship that has so far been neglected.

The Noise Control Act may see increasing use in the future as more citizens become aware of its provision for unofficial enforcement through citizen suits.<sup>15</sup> It is uncertain from which avenue increased protection from noise will come, but it seems inevitable that it will as more people are made aware of the problem. It is unlikely that unregulated use will continue for long.

AppendixTable 3

Question #1  
Is this your first trip into the crater?

<u>Response</u>	<u>Frequency</u>	<u>Percent</u>
Yes	29	65.9
No	15	34.1
TOTAL	44	100.0

Table 4

Question #2  
What do you like best about the park?

<u>Response</u>	<u>Frequency</u>	<u>Percent</u>
Silence	14	31.8
Solitude	13	29.5
Beauty	5	11.4
Spiritual Qualities	3	6.8
Uniqueness	3	6.8
Geology	1	2.3
TOTAL	44	100.0

Table 5

Question #3  
 What if anything is the worst thing about the park?

<u>Response</u>	<u>Frequency</u>	<u>Percent</u>
Helicopter noise	18	40.9
Flies	6	13.6
Litter	2	4.5
Too many people	1	2.3
Poor signage	1	2.3
Sandy trails	1	2.3
No complaints	15	34.1
TOTAL	44	100.0

Table 6

Question #4  
 Have you ever been on a helicopter tour?

<u>Response</u>	<u>Frequency</u>	<u>Percent</u>
Yes	1	2.3
No	43	97.7
TOTAL	44	100.0

REFERENCES

- 1) 78 Stat. 890; 16 U.S.C. 1131-1136.
- 2) Federal Aviation Administration, Advisory Circular 91-36B, September 1983.
- 3) Honolulu Advertiser, September 27, 1985, p. A1.
- 4) Ortolano, Leonard, Environmental Planning and Decision Making, p.348, New York, John Wiley & Sons, 1984.
- 5) Interview on July 7, 1985 with Mike Williams, pilot for Maui Helicopters, Inc.
- 6) Researcher Albert Perez was hiking in the park from January 6th through January 8th, 1985.
- 7) Valier, Katherine Burr, The Dilemma of Access Into Na Pali Coast State Park, Kaua'i Hawaii, Masters Thesis, Department of Geography, University of Hawaii, Honolulu, Hawaii, May 1985.
- 8) Telephone conversation on 7/24/85 with Bill Mowry. Also see The Garden Island, August 13, 1985, p.2.
- 9) Harrison, Robin T., Roger N. Clark, and George H. Stankey, Predicting Impact of Noise on Recreationists, Project No. 2688, U.S. Department of Agriculture, Forest Service Equipment Development Center, San Dimas, California, 1980.
- 10) See (1) supra, Section 1133(c).
- 11) United States National Park Service, Proposed Wilderness Classification: Haleakala National Park, Hawaii; Final Environmental Statement, Department of the Interior, National Park Service, Western Region, 1973, p.10
- 12) 42 U.S.C. 4901-4918 (1982). See also 49 U.S.C. Appendix 1431 (1982).
- 13) 49 U.S.C. Appendix 1431.
- 14) 7th Environment Law Review - (1976), Part 6: Noise Pollution.
- 15) See (12) supra.



Aircraft Noise in  
Haleakala National Park  
(Supplement: January 1986 Data)

Sound Levels

Videotaping of aircraft activities in Haleakala National Park was done from January 1st through 3rd of 1986. 27 sound events were measured during this period. Peak sound levels generated by aircraft were as follows:

Range: 42 to 75 dBA  
Avg: 60 dBA

As shown in Figure 8, the percentage of flights in January 1986 generating sound levels of between 40-49 and between 50-59 dBA has decreased relative to the earlier measurement period. A definite shift is evident, from these lower sound levels to higher sound levels of between 60-69 and 70-79 dBA.

Although altitude data were not collected during the second phase (due to lack of funding), the helicopters observed in the crater were definitely flying lower than they had been on the previous trip. This may have been due to the fact that the helicopter companies were unaware that a followup study was in progress.

Flight Frequencies

There were 85 flights recorded during this period. The distribution was as follows:

<u>Date</u>	<u>Helicopters</u>	<u>Fixed Wing</u>	<u>Total</u>
Jan 1	11	0	11*
2	33	3	36
3	23	2	25**

\* The low frequency on January 1st was probably due to very high winds (over 50 mph). Also, tourists may have been less inclined to fly the day after New Years Eve celebrations.

\*\* 25 aircraft were observed by 11:50 AM. Extrapolation to a full day's observations would yield a total of 39 flights.

The frequencies measured on this trip were markedly higher than the 13 to 21 measured in July of 1985. The increase in flight frequency is 69 per cent if you count the low frequency recorded on January 1st (see above), or 121 per cent if you leave that low figure out. This seems to be a large increase from the previous measuring period. However, variation with the tourist season may be a factor; this can only be measured by return trips at the same time in succeeding years.

STATEMENT OF JOHN A. SULLIVAN

PRESIDENT, GRAND CANYON AIR TOUR COUNCIL

LAS VEGAS, NEVADA

before

CHAIRMAN JAMES L. OBERSTAR

AVIATION SUBCOMMITTEE

PUBLIC WORKS AND TRANSPORTATION COMMITTEE

JULY 27, 1994

Mr. Chairman and members of this committee, thank you for this opportunity to present the perspectives and concerns of the Grand Canyon Air Tour Council and the air tour industry. The GCATC is a non-profit organization made up of twelve air carriers based in Nevada which conduct air tours of the Grand Canyon and other national parks. I request that this statement be incorporated into the hearing record of the committee.

The essence of the debate concerning overflights of national parks is the requirement to balance the often competing mandates to provide visitor enjoyment of our national parks with preservation. Air visitation, rather than being environmentally damaging as anti-aviation groups are claiming, are actually the very best way to provide a quality visitor experience and protect the environment. In the Grand Canyon, air tours have been conducted for over 70 years, even before this magnificent area became a national park. Compared to automobiles, buses, trains, backpacking, mule riding, or river running in rubber rafts, light aircraft operated on designated routes in designated areas are environmentally the best way to move large numbers of people through the Grand Canyon.

Air tour passengers take only pictures and leave no footprints. There is no garbage left behind. The one and only impact is the

sound of a light aircraft in cruise flight as it passes overhead. In the Grand Canyon even this minor impact has been mitigated by a complex airspace system which requires air tour aircraft to stay on specific routes and altitudes which overfly only 16% of park lands. Vast acreage is completely flight free from all aerial sightseeing, a major concession given up by the industry in 1987 with the understanding that this would satisfy the anti-aviation groups and end the controversy once and for all.

This system, known as the Special Federal Aviation Area 50-2 (SFAR), has been enormously successful in improving the safety record of the canyon air tour industry. An FAA report released in 1993 states that contrary to what is perceived, the Grand Canyon air tour industry has achieved a significant improvement in the accident rate since 1987. In fact the accident rate has improved every year since 1987. What once was a concern several years ago has disappeared as an issue thanks to the hard work of hundreds of aviation professionals in the industry and the FAA.

The SFAR has also been extremely successful in attaining the goal of Congress which is the "substantial restoration of natural quiet" in Grand Canyon National Park. The overwhelming body of evidence indicates substantial quiet has been restored. An overwhelming number of visitors including backcountry and river users are now

reporting there is no impact whatsoever from aircraft overflights.

A National Park Service visitor survey completed in 1993 indicates that over 91% of all park visitors reported there was no impact from aircraft. Not slight or moderate - NONE. Even the backcountry groups who are the most sensitive about aircraft sound indicated there is no impact from aircraft by a substantial percentage.

Visitor complaint information to the Park Service was received through the Freedom of Information Act. These records indicate that complaints about aircraft have been reduced 90% since the SFAR began in 1987. Today complaints number less than 3 per month out of 5 million annual visitors. Currently, as the Governor of Nevada recently pointed out in a letter to the Secretary of Interior, there are more complaints about mules in the Grand Canyon than about aircraft.

The Park Service completed an aircraft study based on dose-response methodology in the Grand Canyon also in 1993. This study gauged the impact of aircraft on different user groups and asked these respondents to identify an acceptable level of impact concerning aircraft overflights. This study effectively created a sound standard for aircraft in the Grand Canyon. The standard of

acceptability for all groups combined was determined to be six aircraft events per day (an aircraft event is defined as seeing or hearing an aircraft). The study indicates that the present level of impact is just under three events per day. After 70 years the air tour industry in the Grand Canyon is approaching the half way point of impact to canyon ground visitors by a standard set by the canyon ground visitors themselves. The most sensitive group, river oar powered users, reported that four events per day was acceptable. That group is presently experiencing 1.3 events per day or 32% of what they say is an acceptable level of impact.

These Park Service studies are consistent with an industry sound study. Acoustics experts Charles Cox and Ricarda Bennett tested acoustic levels at 23 sites in the Grand Canyon in 1988 and again in 1993. The Bennett/Cox study concluded that substantial restoration of natural quiet has occurred in the Grand Canyon since 1988. In fact 78.1% of the park has experienced an improvement of sound impact from airplanes and 68.5% from helicopters.

The two park studies, the visitor complaint data, and the Bennett/Cox study are consistent with a U.S. Forest Service report to Congress in 1992. The Forest Service was required to analyze and report on the impact of aircraft overflights on forest wilderness areas. This study concluded that the overall impact was "negligible". On the impact on wildlife it says: (there were)

"negligible risks of consequential biological effects." On the impact on forest wilderness users it says: "The majority (80 per cent) of wilderness visitors were not annoyed by overflights and only a small minority (4 per cent) were highly annoyed by overflights." The Forest Service report went on to say, "that many visitors do not notice aircraft even when they are present."

So with an overwhelming body of scientific evidence indicating there is not an aircraft sound problem in the Grand Canyon or U.S. Forest Service Wilderness Areas how can the Park Service conclude that natural quiet has not been restored which then justifies their rationale for further restrictions?

Most reasonable persons would say that Congress intended "Substantial Restoration of Natural Quiet" to mean a condition where most park visitors can visit and enjoy the park without interference from aircraft. This is a very reasonable and fair requirement. The air tour industry agrees with and supports the requirement for substantial restoration of natural quiet as a value relative to the visitor experience. It is consistent with the Organic Act of 1916 which created the Park Service and National Parks for the enjoyment of visitors. For backcountry visitors the Wilderness Act which the Park Service adheres to uses the terms



"solitude" and "contemplative experience" in describing the wilderness experience. Solitude and contemplation are human values and human terms. In the Grand Canyon we have achieved the goal of substantial restoration of quiet relative to the human experience, consistent with the Organic Act which created National Parks and consistent with the intent of Congress.

The Park Service and the Forest Service recognized this intent and goal and spent millions of dollars studying the impact of aircraft on the human visitors. The Park studies were broken down into complex graphs and charts according to the different user groups.

When all the data and multi-million dollar visitor studies came back and indicated there was a negligible impact in the Grand Canyon and Forest Service Wilderness areas the Park Service at first tried to misconstrue these studies to conclude further restrictions were necessary. When the industry pointed out the conclusions were completely opposite to the data, the Park Service then created a definition of natural quiet and a standard for measuring it that leaves the human being out of the equation entirely. While there is no scientific or legal definitions for "natural quiet", the Park Service defined it as "the condition in which the only sounds heard are natural, ambient sound." The standard then became, that "natural quiet will be achieved when a substantial portion of the park constantly attains natural quiet conditions." Another expensive study was conducted based on

this radical definition of natural quiet that leaves the human being out of the equation. Not surprisingly this study and the chart it produced shows aircraft sound everywhere in the canyon. The fact that nobody can hear it doesn't matter.

This radical definition is now the justification for restricting flights and throwing people out of the park even when and where there is not an iota of impact on a single human being. By their own admission Park Service officials have stated that substantial restoration of natural quiet may not be possible using these definitions.

Mr. Chairman, the air tour industry asks for reason and common sense in determining policy relative to our industry and our livelihoods. The Park Service's definitions are not reasonable and do not make sense. The Park's interpretations of the wishes of Congress are not reasonable and do not make sense.

It is our recommendation that a working group of industry, FAA, and Park officials be created to define terms and set reasonable standards for aircraft overflight in the Grand Canyon. The current standards set in the existing Park Service dose-response study is a good place to start. The same working group can then be used to meet periodically to evaluate sound/impact levels in the years ahead. Once an area of the canyon approaches a level of impact based on a reasonable standard then certain restrictions can and

should take place. The industry cannot accept additional restrictions based on half-baked definitions and impossible standards.

The air tour industry is willing to sit down with the Park Service and FAA at any time to create reasonable standards and begin to manage canyon overflights in a cooperative and professional forum. We have been in the Grand Canyon business for over 70 years performing a valuable service transporting visitors safely and expeditiously into the greatest natural wonder of the world. We provide the only backcountry experience available for hundreds of thousands of elderly and handicapped persons per year. We have accepted significant restrictions which have forced us out of 84% of the Grand Canyon. We have complied with all the rules and improved our safety record significantly. Our mode of access is the most environmentally protective of all modes of transportation and visitor use.

There is a great deal at stake in this debate: jobs and career opportunities for hundreds of pilots and aircraft mechanics, economic impact on the small towns and cities where we make our homes, and a unique park experience for millions of visitors from all over the world who will be locked out of the Grand Canyon if certain radical groups are allowed to prevail. We ask for your help in supporting the air tour industry and ensuring our industry is treated fairly.

(8)

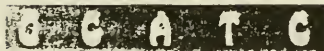
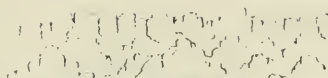
Chairman Oberstar and members of this committee, I want to thank you for conducting this important hearing which is of vital concern to the air tour industry and all aviation travelers.

Respectfully,

*John A. Sullivan*

John A. Sullivan, President

Grand Canyon Air Tour Council



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**Comments of the  
GRAND CANYON AIR TOUR COUNCIL**

**Regarding:**

**"OVERFLIGHTS OF UNITS OF THE  
NATIONAL PARK SYSTEM"**

**Docket Number 27643  
Notice 94-3**

**July 15, 1994**

**Submitted By:**

**John A. Sullivan  
President**

**GRAND CANYON AIR TOUR COUNCIL**

SUMMARY OF COMMENTS

The following is a list of topics addressed by the Grand Canyon Air Tour Council (GCATC) in this rulemaking:

- |       |  |           |
|-------|--|-----------|
| I.    | THE RULEMAKING IS BIASED, UNJUSTIFIED AND INCORRECT  | ...Pg. 2  |
| II.   | SFAR 50-2 HAS RESULTED IN EFFECTIVE OVERFLIGHT MANAGEMENT AT GRAND CANYON                                    | ...Pg. 4  |
| III.  | THE ANPRM IS WRONG WITH RESPECT TO MANY IMPORTANT FACTS  | ...Pg. 6  |
| IV.   | THE NATURAL QUIET AT GRAND CANYON HAS BEEN RESTORED  | ...Pg. 13 |
| V.    | THE ANPRM CONTAINS MANY MISLEADING INNUENDOS AND MISSTATEMENTS OF FACT WHILE DRAWING FAULTY CONCLUSIONS      | ...Pg. 18 |
| VI.   | GRAND CANYON FACTS VERSUS ANPRM FICTIONS   | ...Pg. 20 |
|       | 1. Grand Canyon Air Tour Passengers Are Park Visitors  | ...Pg. 20 |
|       | 2. Grand Canyon Air Tour Activity Is Already Highly Regulated  | ...Pg. 22 |
|       | 3. NPS Shouldn't Discriminate Unfairly In Grand Canyon Visitor Access Issues                                 | ...Pg. 22 |
|       | 4. Air Tour Aircraft Cause Not Some, But No, Deterioration to Cultural or Wildlife Resources at Grand Canyon | ...Pg. 24 |
|       | 5. Grand Canyon Air Tour Passengers Consume No Park Resources  | ...Pg. 25 |
| VII.  | NPS SOUND STUDIES ARE POORLY BASED, REACH SPECULATIVE CONCLUSIONS AND ARE OF QUESTIONABLE VALUE              | ...Pg. 26 |
| VIII. | U.S. FOREST SERVICE REPORT TO CONGRESS DIRECTLY REFUTES NPS CONCLUSIONS                                      | ...Pg. 29 |

IX.	ANPRM FAILS TOTALLY TO ACCOUNT FOR THE CONSEQUENCES ON TRADE AND INTERSTATE COMMERCE STEMMING FROM RESTRICTING AIR TOUR ACCESS AT GRAND CANYON	...Pg. 32
X.	AIR TOURISM AT GRAND CANYON IS CONSISTENT WITH NPS OBJECTIVES FOR VISITOR ACCOMMODATION AND EDUCATION	...Pg. 35
XI.	PASSENGERS OVERWHELMINGLY SUPPORT GRAND CANYON AIR TOURS	...Pg. 37
XII.	FURTHER AIR TOUR OVERFLIGHT RESTRICTIONS AT GRAND CANYON VIOLATE ADMINISTRATIVE RULEMAKING PRINCIPLES	...Pg. 38
XIII.	CONCLUSIONS	...Pg. 39

July 15, 1994

Office of the Chief Counsel  
Rules Docket (AGC-200)  
FEDERAL AVIATION ADMINISTRATION  
800 Independence Avenue, SW  
Washington, D. C. 20591

**RE: Overflights of Units of the National Park System,  
Docket Number 27643, Notice 94-4**

Ladies and Gentlemen:

The Grand Canyon Air Tour Council (GCATC) appreciates this opportunity to comment on the Advanced Notice of Proposed Rulemaking (ANPRM) dealing with aircraft overflights of units of the National Park System published in the Federal Register on March 17, 1994 by the Department of Transportation (DOT) and related Agency, Federal Aviation Administration (FAA), and the Department of Interior (DOI) and related Agency, National Park Service (NPS).

The Grand Canyon Air Tour Council is a coalition of Southern Nevada-based air carriers who provide air transportation and aerial sightseeing services between several Nevada airports and airports in Northern Arizona and Southern Utah. These services include scheduled and charter flights, which combine point-to-point transportation with aerial sightseeing of Grand Canyon, passenger pick-ups and drop-offs for Colorado River raft companies, and aerial survey functions.



The many forms of air commerce GCATC members provide have been a tradition at Grand Canyon for nearly the past 70 years. These businesses are also important to the economy of the region with direct and indirect employment for some 1,200 persons in Southern Nevada and Northern Arizona. GCATC members enplaned approximately 650,000 passengers in 1993 and generated an estimated \$250,000,000 in economic impact. The Federal Agencies have failed to take such economic considerations responsibly into account.

RULEMAKING IS BIASED, UNJUSTIFIED, INCORRECT

In this ANPRM, the Federal Agencies seek public comment on general policy and specific recommendations for voluntary and regulatory actions to address the alleged effects of aircraft overflights in national parks. This ANPRM is the result of an interagency working group formed by Secretaries Pena and Babbitt that is to explore ways to limit or reduce aircraft noise impacts. The ANPRM discusses legislative mandates, regulatory authorities, purported aircraft impairment of NPS values, visitor experience and values, and cultural and wildlife preservation. It seeks comments on sweeping changes in the manner by which the National Park Service in conjunction with the FAA might further limit, restrict, and regulate air tour operations at National Parks, particularly at Grand Canyon, as well as comments on policy and technical issues of interest to the Agencies.

The Grand Canyon Air tour Council is unanimously and unequivocally opposed to the biased approach taken by this rulemaking and its erroneous conclusion that more overflight restrictions are necessary at Grand Canyon. The document lacks editorial balance while it substitutes unfounded ideologies for facts.

To date, the Interagency Working Group has not formally met with the GCATC, and it has ignored our request to be part of the reasonable resolution of Grand Canyon overflight issues.

The ANPRM focuses almost exclusively on whether "natural quiet and experience" have been restored at Grand Canyon, while ignoring how air tour operations achieve equally important national park objectives and mandates such preservation of resources while providing visitor access and enjoyment. Even with respect to the issue of natural quiet and experience, the ANPRM is flawed as the Grand Canyon Air Tour Council will show by these comments. Ninety-two percent of Grand Canyon visitors, according to the National Park Service's own ground visitor survey, report no impact from aircraft overflights.

The ANPRM further fails to meet Executive Order 12866 because it falls far short of demonstrating that there is scientific or technical need for further air tour overflight regulations at Grand Canyon; that there is any justification for imposing

additional burdens on individuals and businesses affected by this Rulemaking; and that the benefits of new regulations justify adverse economic consequences for the air tour industry.

This rulemaking further ignores the rights, the needs, and the enjoyment of Grand Canyon air tour passengers as it denies that such passengers are indeed park visitors.

The Grand Canyon Air tour Council thus can only conclude that the motivations behind publishing this ANPRM are at best questionable. This rulemaking should be withdrawn and rewritten in order that the National Park Service and Federal Aviation Administration may deal with Grand Canyon overflight issues objectively, fairly and in compliance with Federal law.

SFAR 50-2 HAS RESULTED IN EFFECTIVE OVERFLIGHT MANAGEMENT AT GRAND CANYON

In 1987, The National Park Overflights Act, Public Law 100-91, was enacted. It directed the Department of Interior to develop and submit an Aircraft Management Plan to the Federal Aviation Administration to mitigate the adverse consequences of aircraft operations over Grand Canyon. Principal among the goals of this legislation was to provide for the "...substantial restoration of natural quiet and experience of the park..." and for "safety of park users." The legislation also required that the DOI and FAA

report to Congress on the success of the Aircraft Management Plan in achieving these goals.

On May 27, 1988, the FAA issued SFAR 50-2 which implemented the Grand Canyon Aircraft Management Plan recommended by the Department of Interior with minor changes initiated by FAA in the interest of safety.

This uniquely crafted air traffic regulation became necessary because of the growing popularity of the air tour business at Grand Canyon. SFAR 50-2 promulgated a number of important features to control airside congestion. As a result of SFAR 50-2 air carriers operating commercial aerial sightseeing tours within Grand Canyon SFAR now must:

- (a) be approved by FAA under Part 135 commercial operating standards and safety rules to do so,
- (b) train and certify each of their pilots on initial as well as recurrent basis on the routes and altitudes to be flown,
- (c) assure that their flights conform to the routes, altitudes and reporting points within the SFAR.

In addition to these requirements, SFAR 50-2 separates air tour routes by directions, altitudes, and types of operations. The result has been a significantly increased level of airspace safety and capacity over Grand Canyon.

Perhaps the most important element of SFAR 50-2 was the establishment of four very large "Flight-Free Zones" that protect, according to the ANPRM, "virtually all the visitors to the North and South Rims and about 90 percent of back-country users" (emphasis added). These flight-free areas encompass 530,000 acres (44 percent of Grand Canyon National Park) while establishing air tour routes that limit overflight to just 16 percent of the airspace over Grand Canyon.

Unfortunately, the ANPRM gives virtually no recognition to how SFAR 50-2, in fact, has successfully met the goals set by Congress. Instead, the ANPRM states that "the NPS believes the SFAR has been successful in limiting some noise-associated adverse impacts (of aircraft)...but most, if not all, of the gain has been...lost as a result of the exponential growth in numbers of flights over the Canyon."

THE ANPRM IS WRONG WITH RESPECT TO THIS AND OTHER IMPORTANT FACTS.

The ANPRM is wrong because it fails to acknowledge that the Agencies had no objective or accurate measurements of aircraft activity and therefore aircraft sound levels at Grand Canyon prior to the implementation of SFAR 50-2. Since there is no baseline, how can the Agencies report to Congress that in the five years since the SFAR there has not been "substantial" restoration of natural quiet and experience of the park?

Further, the Grand Canyon Air Tour Council cannot fathom the logic by which the Agencies have concluded that substantial restoration hasn't been accomplished if, by the Agencies' own admission, "virtually all" of the visitors to the North and South Rims and "90 percent" of back-country users are protected by the Flight-Free Zones when prior to the SFAR, air tour aircraft operated over all primary front- and back-country visitor areas of the park.

The GCATC disagrees with the Agencies' finding that any improvements in mitigating aircraft sound have been lost as a result of the "exponential growth" in air tour flights over the Canyon. The term "exponential growth" as used in the ANPRM may be technically correct, but it is completely misleading. Exponential means growing at a constant rate. A one percent fixed growth rate annually, therefore, is technically "exponential." We concede editorial license; however, in this case, it is unforgivable. Most consider exponential as meaning growth at a rapid, uncontrolled rate such as how bacteria doubles in numbers every few hours. Aerial sightseeing activity at Grand Canyon hardly warrants such characterization.

The Grand Canyon Air Tour Council reviewed activity records for the FAA air traffic control tower at the Grand Canyon National Park Airport for the years 1977 through 1993. Air traffic operations counts (one operation is either a take-off or a

landing; it is not necessarily a count of flights since every flight must take-off and land) are collected unscientifically and unreliably. At best they are approximations. Among other problems, air traffic controllers have no way of knowing whether an air tour aircraft taking off or landing at Grand Canyon is associated with aerial sightseeing or nonsightseeing (positioning) purposes. These tower counts also include every aircraft operating into and out of the Grand Canyon National Park Airport, whether sightseeing or general aviation, airline, corporate, military, and fire fighting, among the many aviation activities conducted from the airport.

Still, tower operations counts at Grand Canyon over the past 17 years do provide an indication of how the air tour industry has grown both before and after the implementation of SFAR 50-2. In the 10 years prior to SFAR 50-2, 1979 - 1988, total air traffic operations counts at Grand Canyon increased an average of 6.8 percent annually. In the five years since SFAR 50-2, 1988-1993, air traffic operations counts have grown an average of just 5.9 percent annually, a decline in growth since the SFAR.

The GCATC feels most people hardly would characterize such changes in traffic activity as "exponential" or "uncontrolled" as they are described by the ANPRM. During the same period of the SFAR, 1988-1993, NPS records show park entrance visitor counts at Grand Canyon have grown an average rate of 5.4 percent annually -

virtually the same as air traffic activity at Grand Canyon National Park Airport. Yet, NPS does not characterize such ground visitor demand as exponential or uncontrolled.

Another example of the carelessness of the Federal Agencies in their disregard for checking facts appeared in a recent news release. On December 22, 1993, Secretaries Pena and Babbitt announced the formation of an interagency working group "to deal with aircraft noise at national parks." In that press release, the Secretaries cited as primary justification for restricting air tours the "rapid" increases in tower counts at the Grand Canyon Airport - from "4,610 in 1977 to 173,732 in 1992." Unfortunately, the Secretaries did not check their facts carefully. The actual tower count at Grand Canyon in 1977 was 46,824 operations not 4,610. Their baseline was wrong by a factor of 10.

The ANPRM also characterizes growth in air tour activity since The National Park Overflights Act as "unregulated." That, too, is untrue with respect to Grand Canyon air touring. Aerial sightseeing at Grand Canyon is conducted under very stringent regulations governing both who can provide air tours (carriers holding Part 135 commercial and SFAR 50-2 authorities) and where and how air tours must be conducted. How can the Agencies, therefore, claim that air traffic activity at Grand Canyon is



"unregulated?" Every aspect of air tour industry is under the control of the Federal Aviation Administration.

The fact is, the number of aerial sightseeing carriers holding special FAA authority to conduct air tours at Grand Canyon has remained virtually unchanged since SFAR 50-2 was enacted: 39 operators in 1989 vs 42 operators today, of which at least two operators no longer conduct aerial sightseeing activity at Grand Canyon.

There is, in fact, ample evidence that air tour traffic growth over Grand Canyon may not be increasing at all, or at best slowly. That fact was raised on June 30, 1993, at a public meeting in Las Vegas conducted by the FAA to hear testimony regarding the air traffic carrying capacity at Grand Canyon between 1992 and 2010. Alan Stephen, then president of Scenic Airlines, cautioned FAA on making overstated Grand Canyon air traffic forecasts. He described how the Grand Canyon air tour business was highly cyclical because a majority of air tour passengers were foreign visitors. He stated that such foreign travel to Grand Canyon was highly dependent upon the states of the various world economies, trade policies and dollar exchange rates (a weak American dollar encourages travel to the U.S.A. and, therefore, increased demand for air tours). Stephen cited how that cyclical nature affected Scenic (the oldest and largest Las Vegas-based air tour company). In the 1980's, Scenic saw its

air tour passengers drop from a record high of 210,474 in 1980 to just 89,708 in 1983 (in response to a strong dollar and worldwide economic recession which discouraged foreign travel to the U.S.). Then Scenic's traffic rose throughout the rest of the decade to a new record 311,710 enplanements in 1990. Mr. Stephen concluded by urging the FAA to be careful in making forecasts and by suggesting that the Agency use at least 15 years of data in building its regression curves and by being particularly careful in its assumptions about global economic activities. Otherwise, Mr. Stephen warned, air traffic forecasts would be inaccurate.

The Grand Canyon Air Tour Council agrees with those comments. They remain as valid today as they were last year. Justifications to restrict air tour operations at Grand Canyon cannot be based on short-term models since such models may grossly overstate activity.

Mr. Stephen also cited evidence that the number of Grand Canyon tour flights from Las Vegas might not be growing as fast as the number of air tour passengers enplaned. He described the industry trend towards replacing small capacity, single and twin-piston engine aircraft (seating 6 to 9 passengers) with larger turboprop transports (seating 15 to 19 passengers). He also noted that some carriers were even using 50-100 seat airline type aircraft to supplement peak season lift to carry passengers

directly to Grand Canyon (without an air tour enroute and operating outside the SFAR).

Since June, 1993, that trend has continued. Last year, Grand Airways operated seven Fairchild Metroliners; today, it operates no Metroliners but utilizes a DC-9 for point-to-point service between Las Vegas and Grand Canyon. Eagle Canyon Airlines is employing a Convair 580 in similar direct service. Air Vegas has taken delivery of its fourth Beech C-99, retiring several Cessna 402's it previously operated. Scenic is in the process of replacing its Cessna 207's with larger and quieter Cessna Caravans.

Earlier this year, the Grand Canyon-based helicopter sightseeing operators agreed to cap air tour operations growth to 5 percent annually. That agreement was hailed by the Departments of Transportation and Interior in a press release dated March 15, 1994. Apparently the Departments believe 5 percent growth rates in operations annually are indeed acceptable. That, exactly, is what the air tour industry at Grand Canyon has been experiencing.

Thus, the Grand Canyon Air Tour Council cannot fathom how the Agencies can describe the air tour activity at Grand Canyon as growing "exponentially," as "unregulated," or as "uncontrolled" as the Agencies have in the ANPRM. If the Departments can produce other data, then GCATC expects them to make it available

for public comment. Otherwise, the Departments must stop publishing such misleading characterizations of Grand Canyon aerial sightseeing activity.

THE NATURAL QUIET AT GRAND CANYON HAS BEEN RESTORED

The Advanced Notice of Proposed Rulemaking is flatly wrong in its basic premise regarding the impact of aircraft at Grand Canyon. It justifies the need "to further restrict air tour flights at Grand Canyon because natural quiet and the 'experience' has not been substantially restored."

That finding has not yet been formally made by the Department of Interior, but it is expected. The Grand Canyon Air Tour Council will unquestionably challenge any such determination with all the resources available to it. In fact, the National Park Service's own studies and surveys regarding aerial sightseeing at Grand Canyon overwhelmingly support the conclusion that natural quiet has been substantially restored.

The GCATC cautions the Agencies from making misleading characterizations of aircraft noise impact on visitor enjoyment as they did in the December 22, 1993, Department of Transportation press release quoting representatives of both Departments. There is no factual basis by which Interior Secretary Babbitt could declare that "aircraft noise is

significantly diminishing the Natural Park experience for millions of visitors." He followed that statement by also declaring: "Having spent a great deal of time at Grand Canyon, I know how intrusive and offensive such noise can be, diminishing a good portion of the enjoyment and the restoration of spirit that comes from a visit to the park." From the actual visitor records and NPS's own surveys, apparently few other visitors share Secretary Babbitt's anti-air tour biases.

According to the NPS Aircraft Overflights Study (September 1993), 92 percent of Grand Canyon's 3.7 million 1992 visitors to the principal Canyon overlooks and trails (so called, front-country areas) reported not some, but "no interference to their enjoyment due to aircraft" (emphasis added). The same survey also reports that over two-thirds of the 34,000 park visitors in 1992, hiking the many miles of back-country trail system or rafting the 277 miles of the Colorado River within the Canyon, reported not some, but "no interference of enjoyment due to presence of aircraft." This is particularly important since back-country and river users frequent the quieter parts of the Canyon.

It is also important to note that the NPS survey failed to ask Grand Canyon visitors who identified some aircraft impact to distinguish what aircraft they actually heard. The NPS operates both its own and its contracted helicopter and fixed-wing aircraft daily within the flight-free zones, often at very low

levels above the ground, even below the rim, regardless of impact on rim, trail and river visitors. Thus, it is not accurate to attribute all visitor reports of adverse aircraft operations to aerial sightseeing or to expect to reduce the extent of aircraft audibility within Grand Canyon flight-free areas by further restricting only air tour aircraft. First, the National Park Service should set a good example by employing quiet aircraft at Grand Canyon.

Spontaneous visitor complaints - rather, the startling lack of spontaneous visitor complaints - regarding aircraft operations at Grand Canyon further confirms that aerial sightseeing does not unduly impair visitor enjoyment. In 1993, the Park Service received just 34 comments regarding aircraft noise (15 comments of which were in one letter signed by 15 persons and, therefore, counted as 15 complaints) out of 4.9 million visitors at Grand Canyon National Park.

The GCATC reviewed official NPS records of visitor complaints stemming from aircraft operations from 1978 through 1993 to determine what if any trends were evident. The results confirm what GCATC members know is true. Substantial restoration of natural quiet at Grand Canyon has been achieved as a result of the existing Aircraft Management Plan and SFAR 50-2.

From 1978 through 1986, the 9-year period prior to the approximate implementation of the Grand Canyon SFAR, there were 2,419 complaints regarding aircraft operations, a period during which there were roughly 24 million Grand Canyon Park visitors. That equates to about 100 complaints per million visitors. During the approximate period of the SFAR, 1987-1993, the number of such complaints declined dramatically to just 240, while park visitors rose to 29 million. That equates to just 8 aircraft-related complaints per million visitors, regardless of type of aircraft operating over Grand Canyon, an improvement of 92 percent. This is clear and compelling evidence of the success of the SFAR. The Grand Canyon Air tour Council cannot understand how the Departments can otherwise conclude that there has not been substantial restoration of visitor natural quiet and experience.

A partial answer to the contradictory conclusion of the ANPRM perhaps lies in the definition the NPS has concocted for "natural quiet" and "experience" as these terms are used in The National Park Overflights Act of 1987. "Natural Quiet" was first used in Grand Canyon-related legislation in the mid-1970's in the context of motorized versus unassisted Colorado River raft trips. There are many sources of man-made sound at Grand Canyon. Since natural quiet has not been defined by legislation or by administrative action, nor has it specifically been made a Grand Canyon resource to be preserved other than in the vague context of Public Law 100-91, the GCATC cannot understand why the

Agencies have chosen to make the total elimination of aircraft sound the sole objective of this rulemaking to the virtual exclusion of other "organic act" mandates of DOI and DOT.

The National Park Service has struggled with a definition of natural quiet for many years and in the process has spent millions of dollars in studies that have proven inconclusive. The highly questionable science of these studies, their forced methodologies and definitions and their application in the context of singling out aircraft to the absolute exclusion of all other sources of man-made noise is inexcusable in the view of GCATC.

Unfortunately, the NPS has lost touch with what the GCATC believes Congress intended by directing that "natural quiet and experience" be substantially restored.

The NPS has chosen to define natural quiet as the absence of mechanically detectable aircraft sound, no matter how unobtrusive or whether park visitors notice those sounds or not. That is at best a questionable declaration by NPS. It would now protect national quiet in much the same way as the NPS would preserve physical resources at national parks such as scenery, habitat, cultural features and wildlife. Aircraft sound is transitory. It does not leave permanent impairment. Grand Canyon air tour passengers require no services of NPS such as trails, restrooms,



and refuse collection, while they leave no physical evidence of having visited Grand Canyon National Park.

A much more reasonable definition of "natural quiet," the GCATC believes, is that it is a visitor value, much the same way that "solitude" and "contemplative experience" are visitor values. Since the vast majority of Grand Canyon visitors report "no impact" from aerial sightseeing operations, visitor "natural quiet" as an experience has been achieved.

THE ANPRM CONTAINS MANY MISLEADING INNUENDOS AND MISSTATEMENTS OF FACT WHILE DRAWING FAULTY CONCLUSIONS.

The ANPRM contains a litany of egregious charges, assertions and conclusions regarding air tour operations at Grand Canyon that cannot be supported by facts. Some of these unfounded comments include:

- \* "Some people simply find commercial sightseeing tours over parks inappropriate and incompatible (emphasis added) with protection of certain park values and resources."
- \* "In the case of commercial air sightseeing flights operating over and near units of the national Park System, the NPS believes that significant park resources are being impaired."

- \* "The temporal and spatial extent of commercial air tours (at Grand Canyon) are in the judgement of NPS managers 'impairing park resources and visitor experience'."
  
- \* "Most overflights...begin and end at airports outside parks. The attractions the overflights offer are the resources of the parks themselves. Technically, the park overflight passenger is not a park visitor (emphasis added) even though there may be significant adverse effects from noise in the park."
  
- \* "Virtually every class of visitor activity at Grand Canyon is limited or controlled in some way by the NPS to insure that there will be no derogation or impairment of resources and values...In contrast, the commercial air tour sector at Grand Canyon has experienced unlimited growth... (and) the NPS believes there is ample evidence that the uncontrolled and unregulated growth in this (air tour) sector is in derogation of the resources and values of the park" (emphasis added).
  
- \* "The greatest potential risk to historic structures and cultural resources in units of the National Park System is from helicopters (emphasis added)...when representative cultural resources were reviewed for probability of damage, most were found to be at some risk from commercial air

sightseeing tours."

- \* "Studies to date indicate that aircraft can be associated with stress responses on a number of animals (emphasis added)...Endangered species...can be harassed by commercial air tour operators...No studies that evaluate the long-term effects (of commercial air sightseeing tours) on wildlife have been conducted...(yet) NPS policy is to err on the side of resource protection until conclusive information is available."

Each of these ANPRM comments can be challenged as patently untrue. In rebuttal to these fallacious ANPRM assertions, the Grand Canyon Air Tour Council offers the following comments:

GRAND CANYON FACTS VERSUS ANPRM FICTIONS

1. GRAND CANYON AIR TOUR PASSENGERS ARE PARK VISITORS.

The statement that aerial sightseeing passengers are not also Grand Canyon Park visitors defies logic and is evidence of just how biased the ANPRM is against the rights of millions of people who have enjoyed access to Grand Canyon by air. Most visitors travel to Grand Canyon specifically to view its massive length, breadth and depth. How better to appreciate these attributes than by air! The NPS cannot

really believe that a back-country hiker, for example, is more of a park visitor than a passenger on an excursion bus at the rim. Aerial sightseeing is a form of transportation access to Grand Canyon just as river rafting and conventional means such as auto, bus, rail or hiking are legitimate means of experiencing the Park. It should be irrelevant to the NPS that air tour passengers visit the Canyon above it rather than at rim level or below, particularly since air tour passengers consume no National Park resources.

It is also irrelevant that the airports serving as the origin or destination associated with visiting Grand Canyon by air are outside the National Park (as if the NPS would prefer to have airports within park boundaries). This, again, implies some greater obligation to a visitor, for example, who arrives at the Grand Canyon by train because the depot is inside the Park.

The vast majority of passengers enplaned by members of the GCATC (perhaps 90 percent or higher) combine an air tour enroute to Grand Canyon with a ground excursion within the Park upon landing at the South Rim National Park Airport. Air tour passengers should certainly have the same rights as other visitors to enjoy, and the same obligations to protect, park resources. Yet the NPS would seek to deny air

tour passengers' rights as visitors despite their negligible use of or impact on park resources.

2. AIR TOUR ACTIVITY AT GRAND CANYON IS ALREADY HIGHLY REGULATED.

The ANPRM recounts how there are limits to many Grand Canyon activities as justification for further control of aerial sightseeing at Grand Canyon. The airspace above Grand Canyon, and who has access to it, is already highly regulated by FAA through SFAR 50-2. Air tour corridors over Grand Canyon utilize just 16 percent of the park leaving 84 percent unaffected by overflying aircraft. The FAA, not the National Park Service, is the agency with the capability and responsibility for passenger air safety and air traffic activity. As a result, no activity at Grand Canyon is more highly regulated than aerial sightseeing.

3. NPS SHOULDN'T DISCRIMINATE UNFAIRLY IN GRAND CANYON VISITOR ACCESS ISSUES.

The bias of ANPRM is no more apparent than when it seeks to justify further restrictions on Grand Canyon air tour activity because "some people" find commercial sightseeing "inappropriate and incompatible" with park values. Who are these people? By what logic does the Park Service permit such biases and prejudices to become justification for

prohibiting access for some 800,000 persons annually who visit Grand Canyon by air?

This is environmental elitism perhaps at its worst because it singles out one park activity for discriminatory treatment. Providing access to Grand Canyon and providing for visitor needs result in various forms of park activities and uses with which not everyone might agree. Should bus tours, mule trips, private automobiles, gift shops, for some examples, be banned from the park because a vocal minority may target such activities as "incompatible" with park values and resources? The Grand Canyon Air Tour Council thinks not. There is a proper balance between visitor needs and services and leaving national parks so undeveloped that only a few can enjoy them. Ultimately, the ANPRM has chosen to discriminate in favor of the latter without much regard for the needs of visitors such as aerial sightseers.

Air tour industry profiles of Grand Canyon aerial sight-seeing passengers reveal that 30 percent of passengers are 50 years old or older, while another 13 percent are less than 15 years of age. The NPS survey of air tour passengers determined that 17 percent of such visitors fly over Grand Canyon because of health or physical reasons. Whether young or old, restricted by health or disability reasons, such air tour passengers should not be denied access to areas of

Grand Canyon that otherwise only a fortunate few can reach.

4. AIR TOUR AIRCRAFT CAUSE NOT SOME BUT NO DETERIORATION  
TO CULTURAL OR WILDLIFE RESOURCES AT GRAND CANYON.

It is disingenuous of the ANPRM to suggest that air tour activity at our Nation's parks is damaging to cultural resources and wildlife, while meanwhile acknowledging that there is no evidence to support such speculation. Aerial sightseeing has been conducted for the past 70 years at Grand Canyon. Only environmental extremists believe that helicopters, for example, have damaged Indian ruins within the Canyon. Rather, we believe most visitors would agree that back-country hikers are far more responsible for destruction of cultural resources at Grand Canyon and far more likely to disturb its wildlife.

Air tour aircraft operate at or above the rim on routes designed to minimize overflight impacts. The NPS has no survey data to support the contention that aerial sightseeing contributes to deterioration of Grand Canyon cultural and wildlife resources. In the absence of any such documentation, then such speculative statements only raise further questions as to the motives of the Departments in issuing this ANPRM.

5. GRAND CANYON AIR TOURS CONSUME NO PARK RESOURCES.

Repeatedly, the ANPRM implies that commercial aerial sightseeing at Grand Canyon is a burden on NPS resources. Clearly that is not the case since air tours operate in the airspace over Grand Canyon that is the jurisdiction of FAA, and not the National Park Service.

Aerial sightseeing requires virtually no NPS resources, such as maintenance of trails, search and rescue, trash collection and removal, and visitor safety, health and security measures. Aerial sightseeing passengers leave no footprints and take only pictures. Aircraft operations leave only transitory sound and erode nothing. Aerial sightseeing permits access to regions of Grand Canyon that otherwise would be highly impacted if access were provided to similar volumes of ground visitors.

Aerial sightseeing also pays its own way. Federal excise ticket taxes of 10 percent of the cost of air transportation are remitted to The Aviation Trust Fund, generating millions of dollars annually for FAA operations. The newly enacted Grand Canyon air tour overflight fee of \$25 per flight will raise millions of dollars more as have the park entrance fees (\$4.00 per person) paid by air tour operators for their passengers who visit Grand Canyon South Rim in conjunction



with the aerial tours.

NPS SOUND STUDIES ARE POORLY BASED, REACH SPECULATIVE CONCLUSIONS  
AND ARE OF QUESTIONABLE PUBLIC POLICY VALUE

The ANPRM dismisses traditional aircraft sound measurement methodologies as "inappropriate" at Grand Canyon. Instead, the NPS has spent millions of taxpayer dollars in studies and outside consulting services to develop questionable, unreliable and suspect noise metric models. Just the titles of the aircraft noise models NPS considers most promising provide clues to their inherent biases. One sound metric is called "Annoyance Versus Percent Time Heard." The other is "Interference with Quiet Versus Percent Time Heard." Both employ questionable experimental concepts in measuring aircraft sound by measuring percent time audibility over background noise as recorded by acoustic machinery and not people. Thus, the NPS has eliminated human perceptibility of aircraft sound as a test of impact as it has redefined sound measurement definitions and science. To its limited credit, the ANPRM does acknowledge that these sound studies are "preliminary" and that they must be subject to "vigorous analysis for further determination of their potential application" (emphasis added). The GCATC believes this assessment is grossly over optimistic. Bad science should not be used to justify discriminatory aircraft management policies.

Because the Grand Canyon Air Tour Council is so concerned over how NPS has measured ground visitor reaction to aircraft sound at Grand Canyon, GCATC has joined with the Air Access Coalition in retaining Research/Strategy/Management Inc., (RSM) of Latham, Maryland, for an independent analysis of NPS visitor survey methodologies, data reduction, conclusions and recommendations. RSM principals, Dr. Ronald Hinkley and Dr. Vincent Breglio, reported:

\* "An examination of the 'Grand Canyon Visitor Survey' and the 'Acoustic Profiles and Dose Response Study' for Grand Canyon...finds serious flaws and biases in the sampling plans, sample implementation and data presentations" (emphasis added).

\* "The manner in which data are presented in the studies...to exaggerate the impact of aircraft on public visitors" (emphasis added).

\* "...National Park Service and Federal Aviation Administration should avoid definitive conclusions based on these studies which the (NPS) contractors themselves have limited utility" (emphasis added).

\* "What findings are available are presented in an uncommon manner...The result is a misrepresentation of the data. A more appropriate method to do comparisons leads to the

opposite conclusion to that offered in the presented data"  
(emphasis added).

\* "Since front-country visitors experience the most interactions with aircraft for time spent in the park, it is remarkable that nine out of ten (visitors) find their exposure to aircraft numbers, level of sound and duration of noise heard to be 'acceptable' " (emphasis added).

The Grand Canyon Air Tour Council, in conjunction with the Air Access Coalition, retained acoustics experts, Ricarda Bennett and Charles Cox (Bennett/Cox), to conduct aircraft sound studies at 22 diverse Grand Canyon visitor sites from four visitor zones in 1993 and to compare that data against similar data collected by Bennett/Cox in 1988. Because Bennett/Cox conducted its surveys both before and after SFAR 50-2, these surveys are the only data available by which valid conclusions can be made concerning the legislative mandate to provide for "substantial restoration of natural quiet and experience" at Grand Canyon. Not only is Bennett/Cox the only aircraft sound survey baseline, it also is the only survey methodology to separate air tour aircraft activity from other sound sources such as commercial jet aircraft, vehicles, and other activities of man from ambient Grand Canyon sound levels. Unlike the NPS measurement techniques which used only the quietest ambient readings, Bennett/Cox took into account how ambient natural noise changes with wind and

other factors. Bennett/Cox found that aircraft sound measured at sites where flight patterns had been rerouted as a result of SFAR 50-2 had achieved "significant" reductions and, in many cases, resulting aircraft operations were barely audible over normal (ambient) sound level ranges.

U.S. FOREST SERVICE REPORT TO CONGRESS DIRECTLY REFUTES NPS  
CONCLUSIONS

A report to Congress prepared by the U.S. Forest Service in response to The National Parks Overflight Act was published in July 1991. That report, entitled "Potential Impact of Aircraft Over-flights of National Forest System Wilderness," studied aircraft overflight impact in general and assessed the impact of all aircraft including commercial jets, military, and air tour and private aircraft in wilderness areas. That Forest Service Report concluded the following:

A. Wilderness Visitor Enjoyment:

\* "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."

\* "The majority (80 percent) of wilderness users were not annoyed by overflights...and (only) a small minority (4 percent) (were) highly annoyed by overflights."

\* "...comparing overflights reported by visitors with actual overflights identified by acoustic recorders, it appears that many visitors do not notice aircraft even when they are present" (emphasis added).

B. Visitor and Employee Safety:

\* "Of the 1,180 visitors contacted, 2.7 percent reported involvement in an accident during their visit. None was related to aircraft overflights" (emphasis added).

C. Wildlife:

\* "Studies of effects of human intrusions on animals often find profound effects. It is commonly assumed that aircraft overflights can be equally damaging." This study led to "the conclusion that overflights generally pose negligible risks of consequential biological effects in wildlife" (emphasis added).

D. Cultural Resources:

\* "Generally, concerns that aircraft noise causes damage (to cultural resources) are based on speculation" (emphasis added).

E. Overflight Benefits:

\* "Many Americans who cannot travel on foot or horseback value and wish to see the beauties of wilderness. Persons with disabilities, the elderly or persons restricted by time or family constraints are some examples. For such persons, scenic overflights may be the only wilderness experience available to them" (emphasis added).

These conclusions of the Forest Service regarding flight activity over wilderness areas are all the more startling since they directly contradict virtually every assertion concerning aircraft sound impact at Grand Canyon contained in the Advanced Notice of Proposed Rulemaking. Because of these many contradictions, and because of the questionable survey methodologies employed by the National Park Service, the Grand Canyon Air Tour Council believes that it would be poor public policy to justify further air tour restrictions at Grand Canyon on such data and research.

ANPRM FAILS TOTALLY TO ACCOUNT FOR THE CONSEQUENCES ON TRADE AND INTERSTATE COMMERCE STEMMING FROM RESTRICTING AIR TOUR ACCESS AT GRAND CANYON

The Federal Aviation Act of 1958 directed that regulation of air commerce be conducted in such a manner as best to promote its "development and safety." It also requires the "promotion, encouragement and development of civil aeronautics" and the "control of the use of navigable airspace" and "the regulation of both civil and military operations in such airspace in the interest of safety and efficiency of both." Regulations further should "not unduly burden interstate commerce."

Although the ANPRM cites such FAA responsibilities and obligations, it fails to give more than lip service to them in favor of citing its authority to restrict and curtail Grand Canyon air tour operations for environmental impact reasons. The ANPRM clearly does not articulate or give adequate consideration to the unique interstate commerce associated with the Grand Canyon air tour industry.

Members of the Grand Canyon Air tour Council principally provide scheduled air transportation between Las Vegas and the Grand Canyon with passenger itineraries that include an air tour enroute to Grand Canyon and ground arrangements upon arrival into the National Park. About 80 percent of such air/ground

passengers are foreign visitors to the United States who have purchased that air transportation between Las Vegas and Grand Canyon in conjunction with overseas and onward air transportation to Las Vegas.

Neither NPS nor FAA should underestimate the interstate commerce consequences of the air service provided by GCATC members. The United State Travel and Tourism Administration (USTTA) consistently reports that Grand Canyon is among the top five foreign visitor destinations in the United States, thus restricting air tour flight activity can have substantial consequences on tourism and trade.

The reasons such Grand Canyon combination air/ground tours have become so popular are related to the fact that most foreign tourists are on limited duration travel itineraries. The Grand Canyon is a remote but "must-see" destination. By car from either Las Vegas or Phoenix, it takes 10 hours or more to drive round trip to Grand Canyon, making day tours particularly fatiguing and limiting such visitors generally to just the South Rim overlooks. Overnight tours are difficult to arrange since accommodations at Grand Canyon, both inside and outside the park, are limited. There are approximately 1,700 hotel rooms at Grand Canyon, but it is not uncommon for 15-25,000 persons a day to visit the South Rim during the busy June-September summer season.



Thus, the Grand Canyon air/ground tour provided by members of the GCATC proves an unbeatable combination of convenience, value and resource experience.

What makes the Grand Canyon air tour unique in interstate commerce is that passengers overwhelmingly demand a Grand Canyon air tour in conjunction with the interstate air transportation. That uniqueness is underscored by the fact that every air carrier that has attempted to provide point-to-point Las Vegas/Grand Canyon air transportation (without an air tour enroute) has failed. First, it was TWA, then Airwest (and Hughes Airwest) and finally Republic. It was tried again in 1988 by America West, which withdrew after four years with less than a 2 percent market share. Today no major airline, nor a code-sharing regional partner of a major airline, serves Grand Canyon. The reason is simple. The market is not just interstate air transportation alone; it is an unbeatable combination of travel services that GCATC members have developed over 70 years that its passengers have come to prefer and demand.

Therefore, the GCATC urges the FAA to recognize the significant adverse consequences of restricting such Grand Canyon aerial sightseeing and to exercise its responsibilities to regulate and preserve air commerce associated with Grand Canyon visitation.

AIR TOURISM AT GRAND CANYON IS CONSISTENT WITH NATIONAL PARK  
OBJECTIVES FOR VISITOR ACCOMMODATION AND EDUCATION

Visitor access and accommodation at Grand Canyon are vital to the statutory mission of the National Park. For the estimated 800,000 passengers who fly annually on commercial air tours over Grand Canyon, the experience is memorable.

The Grand Canyon General Management Plan (September 1993 Preliminary Alternatives Workbook) sets forth the park's purposes:

"As a place of national and worldwide importance, (to) preserve and protect the natural and cultural resources, the ecological processes of the Grand Canyon, as well as its scenic, aesthetic and scientific values."

" (to) Provide opportunities for visitors to experience and understand the environmental interrelationships, resources and values of Grand Canyon without impairing the resources."

The Grand Canyon Air Tour Council believes aerial sightseeing of Grand Canyon especially achieves these purposes. Air touring permits park visitors to access remote and diverse regions of the Canyon while leaving no permanent traces of that visit and no permanent damage to resources. Touring Grand Canyon by air is

legitimate, practical, efficient and environmentally sensitive. Air touring is thus one of the solutions to overcrowding and overuse since it provides access to large numbers of visitors with a net environmental impact of next to zero.

Air touring also promotes understanding of the unique set of forces that created Grand Canyon, of its complex environment and of its 4,000-year relationship with man. In fact, in some ways the air tour industry is ahead of the National Park Service in visitor environmental awareness and education.

All air tour flights are narrated, often in several languages, to accommodate the large number of overseas visitors on each flight. For example, one Las Vegas-based carrier provides approximately 42 minutes of Grand Canyon tour narration during its one-hour and fifteen minute aerial sightseeing flight from Las Vegas to Grand Canyon. That narration describes in detail the processes of nature that formed the Canyon, its ecological diversity, mankind's relationship with it, its flora and fauna and the many ways to explore and enjoy Grand Canyon consistent with park objectives. It is a concentrated and fact-filled flight. The narration is available in 10 languages, thus permitting Grand Canyon visitors from around the world to appreciate the Park's many features.

PASSENGERS OVERWHELMINGLY SUPPORT GRAND CANYON AIR TOURS

The NPS conducted a survey of air tour passengers (Draft Report - March 1994) in which it attempted, among other objectives: (a) to identify reasons park visitors had for taking air tour flights; (b) to determine the importance of air tour sightseeing flights to visitor enjoyment of the park; and (c) to identify visitors' perceptions of the benefits of Grand Canyon overflights. As has been previously cited in these comments, 17 percent of Grand Canyon air tour passengers (approximately 135,000 passengers annually) "indicated a health condition or disability which limited their ability to see areas in the park without an air tour flight." Ninety-eight percent of the NPS survey respondents believed that viewing Grand Canyon from a "unique perspective" was an important reason for taking air tour flights. Two-thirds indicated that it was "the only way to see the park in the time available."

Passenger satisfaction with Grand Canyon air tours also confirms the important value visitors place on taking such air tours. Almost 50 percent rated their air tour as "extremely enjoyable" (the highest rating) while no passengers gave the air tour the lowest rating. Eight-five percent indicated that "their appreciation of the park increased very much or extremely." Eight-eight percent of survey respondents who took air tour flights and visited Grand Canyon by ground rated both as "equally

important" in "overall enjoyment" of the park visit. It is clear from such results that continued air tour access to Grand Canyon is favored overwhelmingly by passengers.

FURTHER AIR TOUR OVERFLIGHT RESTRICTIONS AT GRAND CANYON WOULD VIOLATE ADMINISTRATIVE RULEMAKING PRINCIPLES

The ANPRM seeks comment on a number of adverse methods to restrict aircraft operations at Grand Canyon and at other units of the National Park System. The NPS and FAA do acknowledge in the ANPRM that "...some of these measures have not been used before" and therefore neither Agency has "concluded that such actions would meet the legal and policy considerations" required by Executive Order 12866 for rulemaking. The Grand Canyon Air Tour Council agrees. In these comments, the GCATC has seriously challenged whether further air tour overflight restrictions do meet the Executive Order:

1. Are they based on the best reasonably obtainable scientific, technical, economic information regarding the need for, or consequences of, the actions to be taken?
2. Are they being tailored with the least burden on society including air tour passengers as individuals and park visitors and on the air commerce provided by

the businesses that conduct Grand Canyon aerial sightseeing?

3. Are they taken to minimize the impact on the efficiency and safety of air navigation and interstate commerce?
4. Are they scientifically justified by valid sound measurement techniques?
5. Do they meet all the statutory responsibilities of the Agencies, or does the ANPRM discriminate by excluding the rights of access of air tour passengers?

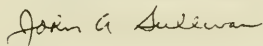
CONCLUSIONS:

Aircraft management issues at Grand Canyon have been and will continue to be subject to intensive debate and analysis. This ANPRM does nothing to advance aircraft management issues at Grand Canyon since it does not propose any new specific regulatory actions.

Last March, the NPS conducted the "Finding a Balance Workshop" at which time individuals and organizations with diverse views regarding aircraft management issues at Grand Canyon met for the purpose of finding common ground. It should be clear from our comments then and now that the Grand Canyon Air Tour Council

fundamentally challenges the bases set forth by the ANPRM that further commercial air tour restrictions are justified and warranted. The GCATC contends then and now that there is no factual, administrative or legal basis for imposing further air tour restrictions at Grand Canyon since there has been "substantial restoration of natural quiet and experience" at Grand Canyon. Very few of park ground visitors are impacted in any way by air tour overflight operations since SFAR 50-2 and air touring of Grand Canyon is environmentally compatible and consistent with the preservation of park resources and visitor access and enjoyment. We can only conclude that this rulemaking is so fundamentally flawed that it must be withdrawn, rethought, overhauled and republished before it forms any basis for regulatory action.

Respectfully,



John A. Sullivan, President  
Grand Canyon Air Tour Council

STATEMENT OF BARRY L. VALENTINE, ASSISTANT ADMINISTRATOR FOR POLICY, PLANNING, & INTERNATIONAL AVIATION, FEDERAL AVIATION ADMINISTRATION, BEFORE THE HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, SUBCOMMITTEE ON AVIATION, CONCERNING COMMERCIAL AIR TOUR OPERATIONS OVER NATIONAL PARKS. JULY 27, 1994.

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you today to discuss the FAA's actions to reduce the impact of aircraft overflights, including those of commercial air tour operators, on our national parks.

As you know, this is an issue Secretary Peña cares deeply about. That is why he and Interior Secretary Babbitt have established an interagency working group whose mission is to work cooperatively to seek positive solutions to the problem. And I can assure you that we will settle on appropriate solutions, and act to adopt them. For too long, our respective agencies spent energy debating these issues--instead of using that energy to seek creative solutions. That's the spirit in which the working group was created. That's what reinventing government is about.

Before discussing the steps we are taking to address the overflights issue, let me take a moment to briefly describe the air tour industry in the United States. Air tour operators have been providing park visitors with aerial tours since 1926. Today, approximately 127 operators conduct tours over 25 of our most popular national parks. Another 60 air tour companies operate around the remainder of the country.

During the past ten years, the industry has experienced significant growth. Since 1985, the number of air tour operations conducted over the Grand Canyon has more than doubled. Other popular parks, such as Hawaii Volcanoes National Park and Glacier



National Park, have experienced a similar increase in air tour activity. The largest of these operators has approximately 30 aircraft that can seat up to 20 passengers. Most are smaller, however, with some operating just one aircraft. In addition to operators whose sole business is air tours, the industry includes fixed based operators and flight schools that offer sightseeing tours in their local communities.

The air tour industry is an important element of the economy in many areas of the United States, infusing hundreds of millions of dollars into communities. Last year, for example, Grand Canyon air tour operators alone generated well in excess of \$100,000,000 in revenues and employed approximately 1200 people. Despite its obvious positive economic benefit, the growth of the air tour industry has also caused legitimate concern about the impact of overflights on park resources and management.

And that's where our challenge lies--to recognize the interest of the air tour industry and its clientele while fulfilling a statutory responsibility to protect and preserve our Nation's parks. That is the mission of the working group established by Secretaries Peña and Babbitt. The working group consists of representatives from the Departments of the Interior and Transportation and the NPS and FAA. Secretaries Peña and Babbitt have clearly stated their interest in achieving appropriate, concrete results, and, as a member of that working group, I can assure you that we intend to produce those results. Together, the FAA and NPS will develop a foundation that will ensure a safe operating environment for air tour service, protect wildlife and other natural and cultural resources, and enhance the experience of park visitors.

The first major result of the group's efforts was a joint NPS/FAA Advance Notice of Proposed Rulemaking (ANPRM). I believe it is the first time in history that our agencies have issued a joint rulemaking announcement. In the ANPRM, NPS and FAA have

requested public comment on a range of options that could be employed to reduce the impact of overflights on the park system. By permitting all interested parties to comment on possible FAA actions at this early stage, we can better understand everyone's concerns and can create a framework that considers and balances everyone's needs. And, if I may, I would really like to emphasize that we have chosen this approach because we are seeking public participation. All parties had and will continue to have an opportunity to help shape our policy at every stage in the process.

We have outlined in the ANPRM several potential strategies/options that could be considered, either individually or in combination, to address the park overflights issue. They include: 1) voluntary measures, such as advisory circulars and interagency/industry agreements, that would recommend minimum altitudes and other operational procedures designed to mitigate noise impacts; 2) the Grand Canyon regulatory model that would provide for the extensive regulation of airspace, routes, and minimum altitudes; 3) flight-free times that would establish time periods when aircraft would be prohibited from flying over all or some portions of a park; 4) altitude restrictions that would specify a minimum altitude for flights over parks; 5) flight-free zones and flight corridors that would prohibit any aircraft from operating in a flight-free zone below 14,500 feet mean sea level and would create flight corridors where all air tour and general aviation operations would be conducted; 6) allocation of aircraft noise equivalencies and creation of a noise budget by assigning each air tour operator an individual limit on noise; and 7) incentives to encourage use of quiet aircraft, such as limiting the use of the most scenic flight corridors to those air tour operators who meet certain noise emission standards.

In addition to these specific regulatory proposals, the ANPRM also outlined a number of broad policy questions. Our intent in developing these questions was to engage the public in a broader debate on whether the overflight issues should continue to be handled on a

park-by-park regulatory basis, or whether a broader national policy is needed. Our intent was not--as some have suggested--to indicate that we are considering a ban on overflights of national parks. We are not considering such a ban. To date we have received approximately 2000 comments.

The FAA and the NPS are currently reviewing the comments received. For Grand Canyon National Park, we expect to have specific recommendations from the NPS by October, and we will be better able at that time to determine whether an amendment of the existing SFAR 50-2 is warranted. For Hawaii, the FAA has accelerated its current rulemaking activities. We will issue a Special Federal Aviation Regulation (SFAR) in August that will increase the safety of air tour operations in the State of Hawaii. We have also requested that all air tour operators in Hawaii immediately conduct a "stand down safety review" of their operational and maintenance practices, with a summary of this voluntary review to be provided the FAA by August 15. Further, on July 18, we began in depth inspections of the operations and maintenance practices of 50 percent of the Hawaii air tour operators, including all operators with any accident or serious incident history in the past 3 years. The remaining operators will also receive inspections, but in less depth. This review will be completed by September 30. In addition to the Grand Canyon and Hawaii projects, the FAA and the NPS will use the public comments in considering the need for a more general rulemaking project to address national park overflight issues at all other locations.

As you know, the NPS is currently preparing a report to Congress required by Public Law 100-91 that is a necessary tool for us to determine the actual impacts of aircraft noise on park resources and park visitors. The report will be based on a series of studies the NPS conducted to assess the impacts on park resources and park visitors in Grand Canyon, Haleakala, and Hawaii Volcanoes National Parks. The FAA and NPS can use the results of these studies, together with data from ongoing joint studies by the two agencies, to

develop additional assessment criteria. We can then, as appropriate, adopt the necessary regulations or administrative approaches consistent with those criteria. The criteria will also permit us to measure and monitor the results of our actions. The results from the study, in conjunction with comments and input obtained from the ANPRM, will provide the basis for reasoned, constructive, and fair solutions for reducing impacts over national parks.

With respect to pending legislation, it is the Administration's view that we should be afforded the opportunity within the Administration to address these challenging issues through established administrative processes. I think we have demonstrated an ability and desire to do so. Legislative action at this time would not only be premature, but could result in Congress mandating actions that FAA and NPS ultimately find to be unsafe, inappropriate, or ineffective solutions. We believe that we have all of the legislative authority necessary to address this issue, and for that reason, do not support any of the pending legislative proposals. However, we welcome the continued interest and oversight of the Congress and this Subcommittee.

In closing, Mr. Chairman, I can assure you that this cooperative interagency process has top level support within the Administration. We are committed to achieving balanced results that are good for aviation and good for our parks. I have every confidence that our efforts will be successful. We look forward to working with the Subcommittee on this important issue.

That completes my prepared statement, Mr. Chairman. I would be pleased to answer any questions you may have at this time.




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# National Parks and Conservation Association



STATEMENT OF  
PHILIP H. VOORHEES  
NATIONAL PARKS AND CONSERVATION ASSOCIATION

BEFORE THE  
SUBCOMMITTEE ON AVIATION

ON LEGISLATION AND REGULATIONS AFFECTING SCENIC OVERFLIGHTS  
ABOVE UNITS OF THE NATIONAL PARK SYSTEM

JULY 27, 1994

Mr. Chairman and members of the subcommittee, my name is Phil Voorhees. I am a Washington Representative for the National Parks and Conservation Association (NPCA), America's only private nonprofit citizen organization dedicated solely to protecting, preserving, and enhancing the U.S. National Park System. Now completing its 75 year, NPCA represents more than 450,000 citizen members.

On behalf of NPCA, I am pleased to appear before the subcommittee to submit our views on the issue of commercial scenic tour flights over units of the National Park System. This is an issue of great concern to NPCA and its members, and to many visitors to the national parks. The pervasive noise and visual intrusions caused by commercial airtours over the national parks are problems that can not be ignored.

Representatives Mink and Williams have introduced legislation on the issue which will be discussed today. Both the secretary of the Interior and Transportation have spoken of the need to address and resolve the problems created by airtour overflights; and the National Park Service and the Federal Aviation Administration have been working for months to develop regulations to mitigate the problem. All of these efforts, and the hearing today, are needed to demonstrate to Washington officials that scenic tour overflights are a very real threat to the national parks and to the "park experience" which American and foreign tourists expect when they visit the parks.

Outside of Washington, the problems created by commercial airtour flights are well recognized. I have attached to my testimony articles and editorials from the *New York Times*, *Wall Street Journal*, *Washington Post*, *USA Today*, and newspapers around the country reporting and commenting on the need for control of the industry and restriction of the flights over the national

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parks. Local citizens groups have cropped up around the country to protest the flights in specific parks, around the Grand Canyon, Glacier, the Great Smokies, the Hawaii parks, and elsewhere. Even local governments and zoning boards have acted to limit the ability of air tour companies to set up operations.

### A Pervasive Problem

In 1987, Congress recognized that unregulated, low-flying air traffic had become a threat to the visitor experience and the natural resources of parks other than the Grand Canyon and the Hawaii parks. Since 1987, the magnitude and scope of aircraft impacts on park resources and the visitor experience have grown dramatically. In the Grand Canyon, aircraft can be heard throughout most of the 1.2 million-acre park, and during 45 minutes of every daylight hour during the peak summer season. In Hawaii, local citizen groups have organized on both the Big Island and Maui to fight the constant din of rotor blades and the invasive flight patterns practiced by helicopter tour operators en route to Haleakala and Hawaii Volcanoes National Parks. Tourists and residents seeking solitude and the celebrated spiritual silence of Haleakala crater and elsewhere in parks in Hawaii are no longer able to find that resource.

By now, the problem of noise and visual degradation of the parks has spread far beyond the Grand Canyon and Hawaii. NPCA has made and will continue to make diligent attempts to identify the parks in the National Park System that routinely experience noise and visual intrusions from low-flying aircraft. Using a compilation of formal responses to a request for information from the Park Service's Division of Ranger Activities,<sup>1</sup> results of the 1992 *Task Directive for National Park Aircraft Management Studies*, and park-specific Resource Management Plans for the years 1993 and 1994, NPCA has identified 130 units of the National Park System which experience problems from aircraft overflights. A list of these units is attached to this testimony.

As this committee considers the impact that the airtour industry has on national parks, the committee should consider that overflights degrade more than the aesthetic experience of park visitors on the ground. In many of the 130 parks that have recorded adverse impacts from aircraft overflights, aircraft have disrupted wildlife and have impacted archeological and cultural resources. Unfortunately, the National Park Service has not yet compiled scientific documentation of the impact of aircraft noise on archeological and cultural resources. However, anecdotal evidence from park superintendents shows that measurable impacts are occurring. For example, Pipe Springs National Monument park personnel have been so concerned about the impact of vibrations from low-flying aircraft that they have requested a seismograph to measure the vibrations. At the Statue of Liberty, one of America's foremost cultural icons, the noise generated by more than 200 helicopters hovering around the statue daily has severely limited the ability of park personnel to interpret the resources to visitors.

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<sup>1</sup> NPS memorandum to Regional Directors from Acting Assistant Director of Operations, Document No N1632 (650), Attachment 2 (not dated).

It is clearly time that the message is broadcast and heard in Washington that something must be done, before we lose the ability to experience the quiet and solitude of parks entirely.

### Legislative or Regulatory Solutions

For this reason, NPCA applauds Representatives Mink and Williams for their work toward elevating the understanding of the problems presented by airtour operations over national parks in this Congress. Both HR 1696 and HR 4163 creatively address the problem of park overflights, and recognize the primary responsibility of the National Park Service to preserve the parks and park resources and values unimpaired. The two measures use substantially different approaches to resolving the issue. HR 1696 addresses the problem through enhanced reporting of aircraft flying below 2,000 feet AGL; identification of noise-sensitive park resources; and enhanced communication with pilots. HR 4163 seeks to regulate airtour operations over national parks by requiring operators to comply with national park concessions regulations.

Both Ms. Mink and Mr. Williams' efforts are worthwhile explorations of congressionally imposed solutions. NPCA is concerned, however, that congressionally mandated solutions at this stage of an on-going regulatory process may unnecessarily polarize the process. FAA and NPS have published an Advanced Notice of Proposed Rulemaking regulating airtour overflights of the national parks, and are now in the process of reviewing comments received from the public. In addition, NPS has completed its report to Congress on airtour overflights, required by the National Park Overflights Act of 1987 (PL 100-91). FAA is currently reviewing the results. Both the study and the proposed rule should be released this fall. Before the airtour industry decries regulation, and battle lines form, we should all review the results of the Park Service and FAA's efforts.

The authorities for the National Park Service and the Federal Aviation Administration to work together to safeguard the values and resources for which the National Park System was created are clear. The NPS, in the National Park Service Organic Act of 1916, is specifically conveyed the authority and the responsibility to preserve park resources and values unimpaired. In 1978, Congress reaffirmed the responsibility of the Park Service as protector of park resources, stating: "protection, management and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and not be exercised in derogation of park values and purposes for which these areas have been established...." The Park Service's authority to regulate the activities in the parks is further strengthened by provisions of the Wilderness Act, the National Park Overflights Act, the Grand Canyon Expansion Act, the Endangered Species Act, and the Airborne Hunting Act.

Substantial legal basis for the protection of park values and resources from overflights is also provided the FAA, by § 4(f) of the Transportation Act. Section 4(f) specifies that the Secretary "may approve a transportation plan or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfront refuge of national, state, or local

significance ... only if 1) there is no prudent and feasible alternative to using that land, and 2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfront refuge, or historic site resulting from the use."<sup>2</sup> Case law has recognized that aircraft overflights having any significant impact on the resources of a park or visitor experience constitute "use" of a park.

Since the authority is already established for FAA to work with the Park Service to resolve the adverse impacts of overflights, the agencies should, at this point, be left to continue their work.

### Conclusion

America's national parks hold a central and sacred place in the nation's psyche. With the urban, developed environment expanding ever outward, it is ever more critical that we preserve the opportunity of the American people to experience the parks as "wilderness" environments and as respectful reserves of our cultural heritage.

Commercial airtour overflights of the national parks and the noise and visual clutter they create impair the parks and the visitor experience and they risk making the national parks resemble any and every other developed environment in America. The National Park Service and the Federal Aviation Administration have been working for months to develop a regulatory structure which can address and resolve the problem of derogation of park values caused by airtour overflights, and both agencies have the clear authority to do so. We should allow the agencies a reasonable amount of time to complete their work.

Mr. Chairman, thank you for the opportunity to present NPCA's views.

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<sup>2</sup> 49 USC §303 (c).



National Park Units With Overflight Problems  
NPCA Compilation, Summer 1994<sup>3</sup>

1. Agate Fossil Beds National Monument
2. Apostle Islands National Lakeshore
3. Antietam National Monument
4. Assateague Island National Seashore
5. Badlands National Park
6. Bandelier National Monument
7. Big Bend National Park
8. Big Cypress National Preserve
9. Big Thicket National Preserve
10. Biscayne National Park
11. Black Canyon of the Gunnison National Monument
12. Bryce Canyon National Park
13. Cabrillo National Monument
14. Canyon de Chelly National Monument
15. Canaveral National Seashore
16. Cape Cod National Seashore
17. Cape Hatteras National Seashore
18. Cape Lookout National Seashore
19. Capitol Reef National Monument
20. Casa Grande National Monument
21. Castillo de San Marcos National Monument
22. Channel Islands National Park
23. Chaco Culture National Historical Park
24. Chattahoochee River National Recreation Area
25. Chesapeake & Ohio Canal National Historical Park
26. City of Rocks National Reserve
27. Colonial National Historical Park
28. Colorado National Memorial
29. Congaree Swamp National Monument
30. Coronado National Monument
31. Coulee Dam National Recreation Area
32. Crater Lake National Park
33. Craters of the Moon National Monument
34. Cumberland Island National Seashore
35. Death Valley National Monument
36. Denali National Park and Preserve
37. Devil's Tower National Monument
38. Dry Tortugas National Park
39. El Malpais National Monument
40. Everglades National Park
41. Fire Island National Seashore

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<sup>3</sup> This list has been compiled from the following NPS documents: (1) *1992 Task Directive for National Park Aircraft Management Studies*, (2) 1993 and 1994 Resource Management Plans, NPS, and (3) NPS Memorandum to Regional Directors from Acting Assistant Director of Operations, #N1632 (650), Attachment 2.

42. Fort Clatsop National Memorial
43. Fort Davis National Seashore
44. Fort Jefferson National Monument
45. Fort McHenry National Monument
46. Fort Sumter National Monument
47. Fort Union National Monument
48. Fort Vancouver National Historic Site
49. Fort Washington Park
50. Fredrick Douglass National Historical Site
51. Gates of the Arctic National Park and Preserve
52. Gateway National Recreation Area
53. George Washington Memorial Parkway
54. Gettysburg National Military Park
55. Gila Cliff Dwellings National Monument
56. Glacier National Park
57. Glacier Bay National Park and Preserve
58. Glen Canyon National Recreation Area
59. Golden Gate National Recreation Area
60. Grand Canyon National Park
61. Grand Teton National Park
62. Great Basin National Monument
63. Great Sand Dunes National Monument
64. Great Smoky Mountains National Park
65. Guadalupe Mountains National Park
66. Gulf Islands National Seashore
67. Hagerman Fossil Beds National Monument
68. Haleakala National Park
69. Hawaii Volcanoes National Park
70. Indiana Dunes National Lakeshore
71. Isle Royale National Park
72. Jean Lafitte National Historic Park and Preserve
73. Jefferson National Expansion Memorial National Historic Site
74. John Day Fossil Beds National Monument
75. Joshua Tree National Monument
76. Kalaupapa National Historical Park
77. Katmai National Park and Preserve
78. Kennesaw Mountain National Battlefield Park
79. Klondike Gold Rush National Historical Park
80. Lake Chelan National Recreation Area
81. Lake Clark National Park and Preserve
82. Lake Mead National Recreation Area
83. Lassen Volcanic National Park
84. Mammoth Cave National Park
85. Manassas National Battlefield
86. Mesa Verde National Park
87. Minute Man National Historical Park
88. Montezuma Castle National Monument
89. Mount Rainier National Park
90. Mount Rushmore National Memorial
91. Navajo National Monument
92. New River Gorge National River

93. North Cascades National Park
94. Olympic National Park
95. Organ Pipe Cactus National Monument
96. Padre Island National Seashore
97. Perry's Victory & International Peace Memorial
98. Petrified Forest National Park
99. Petroglyph National Monument
100. Pipe Spring National Monument
101. Prince William Forest Park
102. Pu'uhonua O Honaunau National Historical Park
103. Puukohola Heiau National Historical Site
104. Rainbow Bridge National Monument
105. Redwood National Park
106. Richmond National Battlefield Park
107. Rocky Mountain National Park
108. Ross Lake National Recreation Area
109. Saguaro National Monument
110. Salinas Pueblo Missions National Monument
111. San Antonio Missions National Historical Park
112. San Juan Island National Historical Park
113. Sequoia-Kings Canyon National Park
114. Shenandoah National Park
115. Sleeping Bear Dunes National Lakeshore
116. Statue of Liberty National Monument
117. Tonto National Monument
118. Tuzigoot National Monument
119. Valley Forge National Historical Park
120. Virgin Islands National Park
121. Voyageurs National Park
122. White Sands National Monument
123. Whitman Missions National Historical Site
124. Wilson's Creek National Battlefield
124. Wolf Trap Farm Park
126. Wrangell-St. Elias National Park and Preserve
127. Wupatki National Monument
128. Yosemite National Park
129. Yukon-Charley Rivers National Reserve
130. Zion National Park

# The New York Times

THE NEW YORK TIMES EDITORIALS/LETTERS WEDNESDAY, NOVEMBER 17, 1993

## Parks Are for People, Not Planes

You and your kids have just hiked or driven to Desert View, a vantage point at the eastern end of the Grand Canyon. To the north and west lies the Colorado River; to the east, the Painted Desert. And right above you, not quite close enough to touch but certainly close enough to ruin the moment, hovers a sightseeing helicopter.

The Grand Canyon has become a battleground for the human senses, and the airplanes are winning. At peak season, anyone standing at Desert View might experience only a few minutes of tranquility between flights.

This is not what Congress had in mind when it passed the National Parks Overflights Act in 1987 to restore "the natural quiet and experience of the park." Subsequent regulations banned flights below the canyon's rim but did nothing to prevent flights from doubling in the next six years. Nearly 800,000

visitors buzzed the canyon in 1992; one outfit alone conducts 100 flights a day during the summer.

The villains are not so much the tour operators as the Department of Transportation and the Federal Aviation Administration. In 1988 the F.A.A. gave Arizona \$1 million to expand helicopter facilities at Grand Canyon National Park Airport, which could lead to still more flights.

Bruce Babbitt, the Secretary of the Interior, has urged the Secretary of Transportation, Federico Peña, to delay the expansion pending the completion of a National Park Service study on noise levels. Mr. Babbitt clearly foresees a day when there will be fewer flights, not more; so far, Mr. Peña has been silent on the matter.

It's difficult to find any national park where only the silence of nature is heard. Parks are for people. But not for 200 or 300 planes a day.

# EDITORIALS

## OVERFLIGHTS AT GRAND CANYON

### Turning up the heat

**W**HEN it comes to regulating the crowded skies above Grand Canyon, safety surely is not the lone consideration.

But sometimes the Federal Aviation Administration has been slow to grasp the intent of Congress in passing a law designed to achieve the substantial restoration of the natural quiet in Grand Canyon National Park. Congress made its determination in 1987. During these intervening years, one would have hoped that the FAA had received the message that lowering the decibel level in canyon airspace was as important so long as safety considerations were not compromised.

It is bewildering that the FAA has failed to embrace a voluntary agreement between Arizona and three helicopter firms to cap the number of flights. Instead of joining the growing chorus intent upon achieving a realistic balance, the federal agency offers up lame excuses and stands virtually alone.

It says it is not prepared to set limits of any kind. Besides, the FAA says, it could not enforce them even if there were limits because there is no monitoring equipment at Grand Canyon. That this could easily be rectified appears to escape the sharp minds of those in charge at the FAA, but let it go.

It would appear inevitable that it is only a matter of time before there is some accommodation at Grand Canyon to limit flights. The push definitely is on, and it is coming from several quarters.

In response to the growing concern of noise, Interior Secretary Bruce Babbitt and Transportation Secretary Federico Peña have formed a "working group" to resolve the matter.

This kind of handwriting-on-the-wall decision by the Clinton administration has nudged the helicopter companies to finally agree, but for 12 months only, to cap the number of chopper flights over the canyon at 1993 levels, plus a 5 percent growth —

an encouraging step in the right direction.

Now Gov. Fife Symington has gotten into the fray in a big way. In letters to Babbitt and Peña, he has come down squarely on the side of the preservation of park values in urging the "working group" to "act swiftly to establish a limit" at the agreed upon level for a more stable regulatory environment.

Also driving the debate is the Grand Canyon Trust, a Flagstaff-based environmental group that claims the doubling of air tour operations over the canyon has prevented the restoration of the natural quiet. Unless limits are imposed, the Trust is prepared to take legal action against the FAA because the proper environmental reviews were not done before a \$1 million grant was awarded to Arizona for the construction of new helicopter facilities at Grand Canyon National Park Airport.

From the standpoint of safety, the consolidation of operations from Tusayan to the airport is surely justified. But the danger is that larger quarters, once built, could be used as justification for unchecked expansion of flights.

This is why it is important for a long-term solution, one that is based on credible data and not emotionalism. The voluntary moratorium is important as far as it goes, but there also is the need for establishing acceptable limits tied to the results of studies in progress on aircraft noise and air capacity over Grand Canyon.

This is not a lot to ask. When it is a choice between protecting the nation's park values or those who profit from our natural treasures, there is no question which must yield.

Sadly, the FAA does not yet understand this. If it did, it would embrace the voluntary agreement and work to see that safety and noise considerations have equal standing. If it fails, Congress will have no option but to bring the FAA back on course.

# The Washington Post

AN INDEPENDENT NEWSPAPER

## The Hush of the Parks

COMMERCIAL activity is limited within national parks, pretty much by definition. In 1987 Congress moved to restrict such activity above the parks as well—Grand Canyon National Park in particular. It found that noise from tourist flights both just above and below the rim was destroying the "natural quiet and experience of the park" and ordered that the quiet be substantially restored.

A first set of regulations has failed to achieve the restoration. When the act was passed, about 125,000 people a year were being flown over the park by helicopter. The number has since doubled. Counting small-plane flights, the park had 800,000 airborne visitors last year, about a fifth as many as it had on the ground. The noise is now said to be a distraction almost all the time, even in the park's remote areas.

The Interior Department, which includes the National Park Service, wants the flights and noise curtailed. The Transportation Department, which has jurisdiction over aviation, has shown no similar

interest. Its Federal Aviation Administration instead has given a grant to expand the helicopter facilities at Grand Canyon Airport. That could support an increase in flights. An environmental group is threatening to sue unless construction of the facilities is accompanied by an assurance that a major increase won't occur.

The noise from airborne tours is becoming an issue over other national parks as well. The FAA's traditional mission has been to see to the safety of air traffic; it has tended to resist when pressed to use its regulatory powers for the purpose. The question is whether in the case of the parks to make it do so anyway.

This isn't an issue that ought to end up in court; it shouldn't have to go back to Congress, either. The White House should settle it if the agencies can't. There ought to be a limit on intrusions into the parks from above, just as there is on the ground. If they can't be protected against the one form of exploitation, why bother to protect them from all the others?

## Residents Near Zion Park Want To Ground Scenic-Flight Plans

By Christopher Smith  
THE SALT LAKE TRIBUNE

ST. GEORGE — In a debate over silence in Zion National Park, few people were willing to hold their tongues.

In less than a month, two companies have tried to get permission to build helicopter landing pads outside Utah's most popular national park. The firms want to operate scenic flights over the canyon, similar to services offered at Lake Powell, Bryce Canyon and the Grand Canyon.

Residents of the small tourist hamlets outside the park fear the noise from the aircraft will reverberate through the narrow canyon, ruining the experience for visitors below.

Tuesday, the Washington County Planning Commission was set to consider one of the requests. And a dozen angry residents who live near the national park were ready to speak their minds against the proposal.

One problem: The Alaska man who wants to operate the helicopter service never showed up.

"We can't do anything until he's here," Sylvia Seegmiller, acting chairwoman of the commission, said to the groans and hisses of the assembled citizenry. The commission tabled the request from Gary Brogdon indefinitely but did listen to public comments.

Mr. Brogdon had asked the commission to determine whether the county's agriculture zoning would allow him to build a heli-pad and residence two miles east of Virgin next to the Rancho 101 cafe and store along Highway 9.

Washington County's land-use ordinance has no provision for helicopter landing pads. If the planning commission determines a heli-pad is not an allowable use of the property, Mr. Brogden would have to seek an exemption to the zoning code.



Dennis Green/The Salt Lake Tribune

Local officials — and the National Park Service — have little to say about aircraft flying over and in Zion Canyon.

While the National Park Service has strict rules regarding helicopter landings — emergencies only — it has no authority over the airspace above the park.

"Technically, a pilot could hover one foot off the ground in the canyon and never violate a park rule," says Denny Davies, Zion National Park spokesman. The Federal Aviation Administration has jurisdiction over airspace in national parks, a situation Utah conservationists want changed.

"It's our position that the Park Service should promulgate regulations to control its airspace and see what happens with FAA," said Terri Martin, Rocky Mountain regional representative of the National Parks and Conservation Association.

"Currently, the Park Service can only offer advice over use of airspace, with the exception of the Grand Canyon, where Congress passed a law authorizing the Park Service to work with FAA on regulating flyovers."

A series of scenic-flight tragedies and the sheer volume of flyovers prompted the exception.

SLTribune March 3, 1993

"USA TODAY hopes to serve as a forum for better understanding and unity to help make the USA truly one nation."

—Allen H. Neuharth  
Founder, Sept. 15, 1982



Peter S. Prichard  
Editor  
Karen Jurgensen  
Editor of the  
Editorial Page  
Thomas Curley  
President and Publisher

Today's debate: FLYING SIGHTSEERS

## Stop the aircraft racket over our national parks

**OUR VIEW** The Grand Canyon is 227 miles long and one mile deep and still not big enough for 187,000 flights a year.

In the Everglades National Park, alligators bellow and roar in response to sonic booms. In the Grand Canyon, it's the hikers and rafters who bellow — at the swarming sightseer overflights that pierce and shatter the park's crystalline quiet.

They howl with good reason. At the Grand Canyon, flyovers have soared since 1987, the year Congress first attempted to limit the practice — by some estimates, to 187,000 a year. Industry income has similarly taken off, to \$250 million last year.

The operators aren't hurting, but park visitors are. Indeed, neither airspace nor altitude restrictions have done much to restore the Grand Canyon's much-sought-after serenity. In some flight corridors, 30 to 40 aircraft pass close overhead every hour, generating a noise stream that can be heard for 10 miles or more.

A recent park service review found that flyovers are a management concern in one-third of the nation's parks. At the Grand Canyon in 1992, half of those in a survey of people traveling the river in rafts complained about the noise.

Nor does the practice bother just visitors. Although the science is incomplete, extensive evidence suggests that aircraft

can seriously disrupt habitat and wildlife, witness the Everglades' roaring gators.

Buzzing tourist flights are just one symptom of systemwide overuse. Nearly 273 million of us jammed the parks last year, bringing with us all of the typical problems of large crowds in limited spaces — habitat destruction, pollution, even crime and violence.

Still, the rip-roar of multiple overflights is particularly noticeable, which is why Congress ordered the Interior Department in 1987 to "substantially restore the natural quiet." To that end, Interior and the Department of Transportation, which has jurisdiction over air tours of the Grand Canyon, are now considering a broad new set of controls — possibly limiting the days and hours when operators can fly.

That's just a start. In some parks, overflying should be banned entirely. And throughout the system, park administrators should control air-tour operators directly, as they do other concessionaires. Currently, the Federal Aviation Administration has jurisdiction, and its loyalties are to air travel, not park preservation.

With 4.6 million visitors a year, the Grand Canyon is never going to return to its "natural quiet."

But new air-tour restrictions will move the canyon and other great parks closer to their original, graceful states. Otherwise, you might as well spend your vacation at the end of your local runway.



The Salt Lake Tribune  
**EDITORIALS**

## Now That NPS, FAA Have Joined Forces, They Should Ban Park Tour Overflights

Finally, some encouraging noise has emerged in the debate over those distracting national park overflights. But the administrators who now seek to regulate those flights must keep in mind that the most desirable noise, ultimately, is none at all.

The heartening development on the noise pollution front was Tuesday's announcement in Washington that the National Park Service and the Federal Aviation Administration have agreed to a joint rulemaking process that will result in some regulation of national park overflights. The interagency cooperation was actually fostered last December by Interior Secretary Bruce Babbitt and Transportation Secretary Federico Peña, the respective overseers of the NPS and the FAA.

This week's announcement, though, officially ends a long period of noncooperation between the two agencies, born of their clashing mandates over this issue — the NPS's control over the national park system and the FAA's control over air traffic. The icebreaking is good, but it is only the beginning of the rulemaking process, not the end. And in the end, quiet in the national parks must be preserved.

That won't be easy. The reason why it won't be is found in a paragraph toward the end of the "advanced notice of proposed rulemaking," jointly released by the NPS and FAA this week. It reads, in part:

"It is anticipated that any regulations eventually developed would be general in nature and applicable to the entire national park system. It is not the intent of the NPS or FAA to develop regulations specific to any one park at this time."

That may sound reasonable, except for the fact that there is one park where the problem of overflights is particularly acute — Grand Canyon National

Park. In fact, it is so pronounced there that the 1987 NPS Overflights Act, enacted by Congress, specifically addressed the problem at Grand Canyon. So there is no reason why that park cannot be singled out again.

The danger in making rules for Grand Canyon that apply to all other national parks, including the five in Utah, is that they would be too weak. The 1987 law underlines that danger: Despite the attempt to create minimum altitudes for tour aircraft and flight-free zones, the noise pollution has continued to be a problem because of the sheer increase in tour flights.

The aerial tour industry is simply too deeply established at Grand Canyon, where 42 different companies fly as many as 10,000 tours a month in the summer. The NPS and FAA will have a hard time reaching ground zero there; all they can do is try to contain a problem that has already spun out of control. But they don't have to take that approach at other national parks, where ground zero should be the serene quiet that enshrouds these precious lands in their natural state.

What the NPS and FAA rulemakers must consider first, then, is a ban of commercial tour overflights in national parks like Utah's — or, at the very least, a freeze on aerial-tour activity so that no park can ever become a Grand Canyon. Preserving peace and quiet in the parks fulfills the very reason for setting aside national parkland in the first place: the conservation of these lands in their natural, pre-aerial-tour state.

It is a positive step that the FAA is now cooperating with the NPS in addressing the problem of national park overflights. It will be even more positive if the rulemakers, mindful of the precedent offered by Grand Canyon, decide there is no place for the buzzing of aerial tourists on an otherwise tranquil day in a national park.

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FRIDAY, March 18, 1994

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# The Knoxville News-Sentinel

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*"Give light and the people will find their own way"*

A12 • The Knoxville News-Sentinel, Thursday, June 23, 1994

COMMENT

## Preserving the quiet

■ FAA should limit overflight of parks

The sun is shining on the grasses of the bald.

The blooming flame azaleas and rhododendron stir slightly in a late afternoon breeze. Boomers and other creatures move shyly out of the undergrowth.

The only sounds are the occasional call of a junco and the wind, which barely disturbs the leaves.

WHOMP WHOMP WHOMP WHOMP. . . .

Across the ridge a helicopter comes skimming at treetop level. Tree branches shake, animals scurry for cover and the noise of the craft's rotors drowns out every other sound.

Thus ends a peaceful afternoon on a heath bald in the Smokies.

Increasingly, sightseeing flights above the Great Smoky Mountains National Park are robbing the wilderness preserve of the solitude and quiet that are its most valuable assets. Ever more frequently, park-goers are reporting intrusions on Cades Cove and other popular areas of the park by sightseeing helicopters flying low enough to disrupt conversation among those on the ground.

The issue here is not the helicopters that ply the skies around Pigeon Forge. Overflight of the resort areas in Sevier and Blount counties, while unpopular with some residents, is already covered by FAA regulations. Numerous court battles have established the legality of these commercial operations. Doubtless there will be more.

But overflights of wilderness and national park lands represent a special case, and the Federal Aviation Administration has recognized that by calling for advance public comment on rules it is considering to control aircraft problems there.

For wildlife and the people seeking to experience the wilderness, the lack of excessive human-generated noise is one of the primary characteristics of a nature preserve. Permitting unrestricted flights of planes and helicopters over the parks is as destructive to the wilderness as permitting logging or the use of trail bikes would be.

In the Smokies, there is also the treacherous nature of flying in the air currents generated around the 6,000-foot-plus mountains and their valleys and coves. The lush vegetation already hides many a craft whose pilot made a fatal misjudgment while flying over the park.

We recommend action by the FAA to preserve the Smokies and other national parks from this form of pollution. If there are no other solutions, the agency at least should establish minimum altitudes for all aircraft, including commercial and military flights, so that the wilderness character of the park can be preserved.

DESERET NEWS, THURS. P.M./FRI. A.M., MARCH 17-18, 1994



THE MOUNTAIN WEST'S FIRST NEWSPAPER • FOUNDED JUNE 16, 1850 • SALT LAKE CITY, UTAH

## Time to curtail park overflights

The Clinton administration says it is ready to restrict the flight of noisy aircraft over the country's national parks. It's about time.

Unfortunately, officials still haven't made up their minds just how to proceed. That's nothing new; federal agencies have dragged their feet on the issue for several years despite firm orders from Congress to conduct studies and come up with recommendations for reducing the noise.

Transportation Secretary Federico Pena, joined by officials of the National Park Service and the Federal Aviation Administration, said this week that regulations restricting overflights would be issued.

But first, the agencies will spend 90 days gathering public comments and then decide best how to proceed. A federal task force was just formed a few weeks ago to study the problem. All of that sounds as if it will still be some time before new rules are produced.

The problem of park overflights keeps growing every year. The worst cases are the Grand Canyon and the

Hawaii Volcanoes National Parks, but about one-third of the nation's 350 park units have problems with noisy flights.

An estimated 750,000 people visited the Grand Canyon by air in 1992 on thousands of airplane and helicopter flights each month. Some have described visiting the canyon as like being in an airport flight path.

Such noise violates the very concept of national parks as places set aside and preserved in their natural state because of their spectacular beauty.

People who provide the commercial flights argue that many of their passengers are handicapped or elderly people who cannot visit the park as hikers or backpackers.

Even so, that situation does not justify turning what should be a visit to the unspoiled grandeur of nature into a disturbing cacophony for everyone else. And low-level flights can even damage some Indian ruins and other fragile features.

Overflights of parks don't have to be totally banned, but they should be much more severely curtailed than at present.

Deseret News 3-17-94

# WALL STREET JOURNAL

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MONDAY, JUNE 13, 1994

PALO ALTO, CALIFORNIA

## ENVIRONMENT

### Scenic Tours In Helicopters Spark Protests

By MICHAEL J. YARBA

Staff Reporter of The Wall Street Journal

Nelson Ho, head of the Sierra Club in Hawaii, trekked for three hours through a rain forest on Hawaii's Big Island recently to reach a remote cinder cone that bubbles and spits lava.

But the flying tourists got there first. As many as four helicopters at once hovered noisily to share the view. "Here we are, spending all this time slogging through the mud to get to this natural wonder and it was so rudely thrashed," Mr. Ho says. His biking companion bared more than his feelings to the tourists: He turned his back on them and dropped his pants.

Such sentiments are increasingly shared by residents, bikers and park rangers in Hawaii — and in national parks like the Grand Canyon — who have long hated the aircraft that swarm over their natural wonders. After years of complaining, industry foes have finally created enough of their own uproar that tour operators are bracing for restrictions.

The Sierra Club Legal Defense Fund and a coalition of environmental and community groups, for example, petitioned the Federal Aviation Administration in January for a total ban on flights over the state's national parks. "You have an industry that is entirely out of control," says Barry Stokes, president of Citizens Against Noise, a Hawaii group seeking to bridle heli-tours.

Now, Washington is turning a sympathetic ear. In December, Interior Secretary Bruce Babbitt called air tourism "intrusive and offensive" as he announced a task force with the Transportation Department to craft rules restricting flights over national parks. Hawaii's Democratic Rep. Patsy Mink introduced a bill last year that would sharply curtail flights over national parks; similar bills by Democratic Rep. Pat Williams of Montana and Hawaii's Democratic Sen. Daniel K. Akaka are pending.

The industry owes much of the backlash to its own success. In Hawaii, where helicopter excursions are one of the few segments of the tourism industry to fare well in a four-year downturn, the industry expects to fly about 500,000 passengers this year, up fivefold from 1984.

Last year, the Hawaiian and Grand  
Please Turn to Page B4, Column 3

## Helicopter Tours Are Sparking A Growing Number of Protests

Continued From Page B1

Canyon air-tour operators, which industry officials say account for between half and two-thirds of the industry's passenger count, carried almost 1.3 million tourists and generated about \$175 million in revenue. Nationwide figures aren't available, but Mr. Babbitt's task force reports that almost a third of national-park managers have problems with overflights.

It's easy to see the allure for tourists. On a recent day above Maui, David Chevalier noses his helicopter down through a cloud and threads along one of the steep, inaccessible canyons that slice into the island's mountains. Waterfalls tumble down both sides of the gorge as Mr. Chevalier, a director of the Hawaiian Helicopters Operators Association, inches up to a spectacular cascade so a sunburned visitor can video the scene. "Awesome," the tourist beams.

"Expensive circus rides," says Dan Taylor, chief of resources management at Volcanoes National Park in Hawaii. Mr. Taylor says he never oversleeps when camping out in the park's back country because helicopters begin buzzing overhead early in the morning. "Almost everybody who backpacks is disturbed," he says. "Our mandate is to provide a tranquil experience; that is impossible to do."

Hawaiian residents have strung up banners telling airborne tourists to "Go Away." One local painted a helicopter on his roof with a slash through it; another was briefly questioned by federal authorities after he called the FAA to say he was frustrated enough to shoot down choppers.

The Grand Canyon has fewer residents to annoy, but plenty of annoyed visitors. Last year, 750,000 people flew over the chasm with some 40 different companies based in five states. A blizzard of flights reaches 20 an hour during tourist season.

Dennis Brownridge, a teacher who has visited the canyon for 40 years, says he camped in April with a group of students at a spot on the rim that, on a map, looked well off the flight path. Soon after sunrise, planes started droning overhead. "You can't get away from them," he says.

Air-tour operators insist their craft are democratic, allowing the young, old and disabled to visit natural wonders they couldn't otherwise see. And, they argue, aircraft are environmentally sound: They don't trample plants, build fires or leave

trash. "It's a very emotional issue," says Bob DeCamp, president of the Hawaii Helicopter Operators Association. "Our passengers are taxpayers; they've paid to have the parks preserved." But Mr. DeCamp says restrictions on overflights of national parks will only increase the number of helicopters buzzing over residents as pilots divert to other scenic sights.

Dan Anderson, president of the Grand Canyon Air Tourism Association, says there were only 56 complaints last year, mostly from "environmental extremists."

Meanwhile, Hawaii's helicopter association says it tries to steer pilots away from residential areas where possible and disciplines those who flout the rules. It holds monthly meetings to listen to citizen concerns and runs a complaints hotline. Since March, Maui pilots have voluntarily avoided the rim of Haleakala Crater.

Detractors aren't impressed. "I've called their hotline hundreds of times," says Robert Hanusa, who lives on Maui. "They don't do anything about it."

The anti-aircraft issue has been festering since the federal government passed limited measures after a helicopter collided with a small plane in 1986 over the Grand Canyon, killing 25. In 1987, Congress approved the National Parks Overflight Act, establishing no-fly zones over the canyon, banning choppers from flying too close to the Haleakala rim and shielding Yosemite Valley from air tour operators.

But critics say the measures are ineffectual. The 1987 law, which says overflights were creating "a significant adverse effect on the natural quiet and experience" of the Grand Canyon, ordered a study on the effect of noise on visitors to national parks. The study isn't finished—delayed, Interior Department officials say, by difficulties in measuring "quietness."

The only rein on the industry since the flight-free zone has been a new \$25 fee charged by the National Park Service this year to tour operators each time they enter into public air space. But a ranger at a park in Hawaii estimates that two-thirds of the operators aren't reporting their flights.

The Interior Department task force says the flight-free zones spare most of the visitors to the Grand Canyon's rims and about 90% of back-country hikers from being bothered by flights. But the Babbitt task force says in a report that "most, if not all, of the gain has been, or may be, lost as a result of the exponential growth in numbers of flights over the canyon."

TESTIMONY  
OF JONATHAN A. WIDDIS  
DIRECTOR OF STATEWIDE AVIATION  
STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

BEFORE THE AVIATION SUBCOMMITTEE  
OF THE  
HOUSE COMMITTEE ON PUBLIC WORKS  
AND TRANSPORTATION

JULY 27, 1994

WASHINGTON, D.C.

MR. CHAIRMAN:

I AM JONATHAN WIDDIS, DIRECTOR OF STATEWIDE AVIATION FOR THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES. ON BEHALF OF THE STATE OF ALASKA, I APPRECIATE THE OPPORTUNITY TO TESTIFY TODAY.

FOR YOUR INFORMATION, THE STATE OF ALASKA OWNS AND OPERATES OVER 300 PUBLIC-USE AIRPORTS WHICH IN MOST CASES PROVIDE THE SOLE TRANSPORTATION LINK FOR THE COMMUNITIES IN ALASKA. ALASKA LACKS UNIVERSAL SURFACE HIGHWAY TRANSPORTATION LIKE OUR SOUTHERN SISTER STATES HAVE. SEVENTY PERCENT OF ALASKA'S COMMUNITIES ARE NOT CONNECTED BY ROAD OR RAIL AND DEPEND TOTALLY ON AIR AND WATER TRANSPORTATION.

ALTHOUGH ALASKA IS ONE FIFTH THE SIZE OF THE CONTIGUOUS UNITED STATES, THERE ARE LESS ROAD MILES THAN IN EVEN THE SMALL STATES OF NEW HAMPSHIRE OR CONNECTICUT. MANY OF THE PARKS STRADDLE THE ONLY PRACTICAL SURFACE TRANSPORTATION CORRIDORS IN ALASKA SUGGESTING THAT SURFACE LINKAGES WILL NEVER OCCUR.

AIR TRAVEL IS THE SOLE MEANS OF YEAR AROUND TRAVEL IN ALASKA, AND IS ESSENTIAL FOR ACCESS TO ALL COMMUNITIES. MANY OF THE ONLY DIRECT AND FEASIBLE AIR CORRIDORS LINKING POPULATION CENTERS ARE WITHIN NATIONAL PARK UNITS. YOU CANNOT FLY FROM ONE AREA OF THE STATE TO ANOTHER OVER COMMON AND DIRECT ROUTES WITHOUT TRAVERSING PARK LANDS.

SOME OF THE DISTANCES INVOLVED IN DAILY ACTIVITIES IN ALASKA ARE MIND BOGGLING. GOING FROM ANCHORAGE TO BARROW, TWO IMPORTANT POPULATION CENTERS, IS THE SAME AS FROM CHICAGO TO NEW YORK, OR FROM BOSTON TO CHARLOTTE. ANCHORAGE TO JUNEAU, ALASKA'S CAPITOL, IS THE SAME AS WASHINGTON, D.C. TO CHICAGO. THE BUSINESS OF THE FEDERAL GOVERNMENT AND FEDERAL EMPLOYEES ARE ALSO CONSTRAINED TO THE SAME TRANSPORTATION CORRIDORS AND REQUIREMENTS.

THERE ARE ALMOST 10,000 PILOTS AND 10,000 AIRCRAFT IN ALASKA. THIS IS ONE PILOT AND ONE AIRCRAFT FOR EVERY 60 ALASKANS. THERE ARE OVER 1,000 LAND BASED AIRPORTS ACROSS ALASKA, PLUS 203 RECOGNIZED SEAPLANE BASES AND ANOTHER 1,000 LAKES WHICH ARE REGULARLY USED BY SEAPLANES. MANY OF THESE AIRPORTS PREDATED THE ESTABLISHMENT OF THE NATIONAL PARKS AND ARE LOCATED WITHIN PARK BOUNDARIES. THEY ARE ESSENTIAL ACCESS POINTS AND PROVIDE A CRITICAL SAFETY NETWORK BECAUSE OF THE LONG DISTANCES ACROSS ALASKA.

ALASKAN PILOTS FLY ALONG RIVERS AND OTHER NATURAL GUIDEPOSTS THAT DON'T DISCRIMINATE PARK BOUNDARIES. AND I PROBABLY NEED REMIND NO ONE HERE THAT EVEN WITH SEVEN NEXRAD RADAR UNITS, ONLY 30% OF ALASKA WILL HAVE AVIATION WEATHER COVERAGE.

ALASKA HAS MORE NATIONAL PARK ACREAGE THAN ALL OTHER STATES COMBINED. THERE ARE 50 MILLION ACRES OF THE NATIONAL PARK SYSTEM LOCATED IN ALASKA, OUT OF THE TOTAL 80 MILLION ACRES NATIONWIDE. AIR TRAVEL IS THE ONLY WAY



TO VISIT MOST NATIONAL PARK LAND IN ALASKA. 24 PUBLICLY OWNED AIRPORTS HAVE APPROACH AND DEPARTURE PATTERNS OVER, OR SHARE BOUNDARIES WITH NATIONAL PARKS, AND 137 PUBLICLY OWNED AIRPORTS AFFECT NATIONAL WILDLIFE REFUGES. EVEN THOUGH THERE ARE NO INDICATIONS THAT AIRCRAFT OVERFLIGHTS ARE ADVERSELY AFFECTING ALASKA'S PUBLIC LANDS, DEPARTMENT OF INTERIOR PROPOSED REGULATIONS HAVE BEEN DESIGNED TO TREAT THESE AREAS THE SAME AS THE HIGH DENSITY HALEAKALA AND GRAND CANYON PARKS.

RESTRICTIONS OF PARK OVERFLIGHTS WOULD HAVE IMPACTS UNCOMMON OUTSIDE OF ALASKA. FOR EXAMPLE, IN ALASKA, LACKING OTHER MODAL TRANSPORTATION OPTIONS, AIR SERVICE IS NEEDED FOR BASIC HEALTH CARE AND EMERGENCY MEDICAL EVACUATIONS; WILDLIFE MANAGEMENT SURVEYS; MAIL DELIVERY; GROCERY AND FREIGHT DELIVERIES; ACCESS TO INHOLDINGS; HUNTING AND FISHING, AND OTHER RECREATIONAL BACKCOUNTRY ACCESS.

THE STATE OF ALASKA IS CONCERNED THAT GENERALIZED RULES INTENDED TO REMEDY VERY LOCALIZED PROBLEMS AT THE GRAND CANYON AND HALEAKALA NATIONAL PARKS WILL HAVE WIDESPREAD INFLUENCE ON ALL AIRCRAFT OPERATIONS IN ALASKA. EACH NATIONAL PARK HAS DIFFERENT CIRCUMSTANCES AND PARK SPECIFIC USE PATTERNS. ALASKA RECOMMENDS THAT NO GENERAL RULES BE MADE THAT WOULD GIVE THE NATIONAL PARK SERVICE (NPS) AUTHORITY OVER AIRSPACE, AND INSTEAD THAT SPECIFIC RULES BE PREPARED FOR THE GRAND CANYON AND HALEAKALA.

ANY FUTURE NECESSITY TO REGULATE AIRSPACE OVER NATIONAL PARKS, ESPECIALLY IN ALASKA, SHOULD ONLY BE ADDRESSED ON A PARK-SPECIFIC BASIS. THE STATE OF ALASKA RECOMMENDS VOLUNTARY MEASURES TO REDUCE IMPACTS OF AIRCRAFT USE. REGULATORY METHODS SHOULD ONLY BE IMPOSED WHEN VOLUNTARY EFFORTS HAVE PROVEN INADEQUATE.

THE FEDERAL AVIATION ADMINISTRATION (FAA) SHOULD RETAIN FULL REGULATORY AUTHORITY OVER AIR SPACE AND AIR TRAVEL, PARTICULARLY IN ALASKA. THE 1958 AVIATION ACT APPROPRIATELY TASKED THE FAA WITH REGULATING AIRSPACE AND AIR TRAVEL, WITH PRIORITY GIVEN TO SAFETY AND EFFICIENCY. ONLY THE FAA HAS THE EXPERTISE AND KNOWLEDGE TO PERFORM THESE FUNCTIONS. RECENT LEGISLATION PASSED BY CONGRESS AND EXISTING FAA REGULATIONS PROVIDE AN ADEQUATE MECHANISM FOR WORKING WITH THE NPS TO ADDRESS AVIATION CONCERNS.

THE NPS IS RESPONSIBLE FOR PRESERVING AND PROTECTING NATIONAL PARK LAND AND HAS NO AUTHORITY TO RESTRICT AIRCRAFT USE OVER A PARK UNIT. THE NPS IS NOT MANDATED TO PLACE A PRIORITY ON THE SAFE AND EFFICIENT USE OF AIRSPACE. THIS IS A SERIOUS PROBLEM. NPS INSTITUTIONAL MANDATES COMPEL THEM TO PRIORITIZE PROTECTION OF SURFACE PARK RESOURCES OVER THE REALITIES OF AIR ACCESS REQUIREMENTS. THE NPS HAS ALREADY INDICATED A LACK OF CONCERN FOR AIR TRAFFIC IN ALASKA BY TRYING TO IMPEDE THE STANDARDS, IMPROVEMENT, AND MAINTENANCE OF PRE-EXISTING PUBLIC AIRPORTS WITHIN PARK BOUNDARIES,

THEREBY DEMONSTRATING A DISDAIN FOR AIR SAFETY.

ANY REGULATORY PROCEDURES SHOULD UTILIZE AND/OR BE COMPATIBLE WITH THE SPIRIT AND INTENT OF THE ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT (ANILCA) WHICH RECOGNIZES THE IMPORTANCE OF AVIATION IN ALASKA. ANILCA IS THE ENABLING LEGISLATION FOR ALL OF THE RECENTLY CREATED AND EXPANDED NATIONAL PARK UNITS IN ALASKA, AMENDING THE APPLICATION OF THE NATIONAL PARK SERVICE'S ORGANIC ACT, THE WILDERNESS ACT, AND OTHER LEGISLATION AFFECTING THE MANAGEMENT OF PARK UNITS IN ALASKA.

ANILCA SECTIONS 1110(A) AND (B) SPECIFICALLY PROTECT THE TRADITIONAL LIFESTYLES OF ALASKA RESIDENTS, INCLUDING ACCESS BY MEANS OF AIRCRAFT THROUGHOUT PARK UNITS, INCLUDING DESIGNATED WILDERNESS AREAS. IN ADOPTING ANILCA, CONGRESS RECOGNIZED THE LACK OF SURFACE TRANSPORTATION AND THE NECESSITY OF AIRCRAFT USE, AND FULLY UNDERSTOOD OVERFLIGHTS IMPACTS. CASE BY CASE AIRCRAFT USE IN PARK UNITS SHOULD FIRST BE CONSIDERED THROUGH ANILCA'S ACCESS REGULATIONS DETAILED IN 43 CFR PART 36 AND 36 CFR PART 13.30. ANILCA MANDATES THAT NEEDED TRANSPORTATION FACILITIES BE DEVELOPED, ACCESS TO ACTIVITIES AND INHOLDINGS BE ALLOWED, PRIVATE PROPERTY NOT BE AFFECTED, AND PARK INFLUENCE NOT BE IMPOSED ON SURROUNDING OR ADJACENT LANDS.

MILITARY TRAINING AREAS OVERLAY PORTIONS OF NATIONAL PARK UNITS IN ALASKA. DESIGNATION OF MILITARY TRAINING AREAS HAVE TYPICALLY BEEN PRECEDED BY AN

ENVIRONMENTAL IMPACT STATEMENT DOCUMENTING NO SIGNIFICANT IMPACTS TO PARK LANDS. THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) PROCESS HAS ADEQUATELY ADDRESSED POTENTIAL PROBLEMS.

IN CONCLUSION, WE CANNOT OVEREMPHASIZE HOW CRITICAL THIS ISSUE IS TO THE STATE OF ALASKA. THE IMPACT OF THIS ON ALASKA IS AKIN TO SHUTTING DOWN HIGHWAY ACCESS TO 70% OF AMERICAN CITIES AND LEAVING NO ALTERNATIVES.

THE STATE OF ALASKA BELIEVES THAT THIS PROPOSAL FOR RULE MAKING IS NOT AN APPROPRIATE MECHANISM TO DEAL WITH THE SPECIFIC INDIVIDUAL PROBLEMS THAT HAVE ARISEN, AND STRONGLY RECOMMENDS THAT THE IDEA OF GENERAL RULEMAKING BE DROPPED.

THE STATE OF ALASKA BELIEVES THAT THE CURRENT COURSE OF ACTION WOULD HAVE A DEVASTATING ECONOMIC IMPACT ON A BROAD CROSS SECTION OF INDIVIDUAL, COMMUNITY, AND COMMERCIAL INTERESTS AND ACTIVITIES IN ALASKA. WE URGE THAT THERE NOT BE BLANKET OR GENERAL RULEMAKING ON THIS ISSUE. IT IS INAPPROPRIATE AND IRRESPONSIBLE TO SUGGEST A SOLUTION TO A PROBLEM THAT EXISTS IN ONE OR TWO LOCALES MUST APPLY ALL ACROSS THE COUNTRY. THIS IS NOT IN THE PUBLIC INTEREST. FLEXIBILITY IS A MUST.

IF IT IS FELT THAT THE SIGNIFICANCE OF AIRCRAFT IMPACT IN PARKS ELSEWHERE IN THE COUNTRY WARRANT THE ACTION PROPOSED IN THE NPRM, THEN THE STATE OF ALASKA REQUESTS THAT CONGRESS EXCLUDE ALASKA FROM THE PROPOSED POLICY OR REGULATIONS.

# STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

WALTER J. HICKEL, GOVERNOR

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STATEWIDE AVIATION

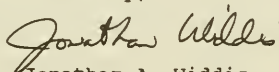
July 27, 1994

Honorable James Oberstar, Chairman  
Aviation Subcommittee of House Public Works Committee  
U.S. House of Representatives  
Washington, D.C.

Dear Chairman Oberstar:

We appreciate the opportunity to provide testimony to the Aviation Subcommittee on the issue of Overflights of the National Park System. In addition to my testimony, we also offer a copy of the attached letter to the Federal Aviation Administration dated June 15, 1994. This letter constitutes the State of Alaska's official comments on the Notice of Proposed Rulemaking.

Sincerely,



Jonathan A. Widdis  
Director  
Statewide Aviation

Attachment

## STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

## OFFICE OF THE GOVERNOR

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DIVISION OF GOVERNMENTAL COORDINATION

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June 15, 1994

Mr. David L. Bennett  
Federal Aviation Administration  
Office of Chief Counsel  
Attn: Rules Docket (AGC-200)  
Docket No. 27643  
800 Independence Avenue, SW  
Washington, D.C. 20591

Dear Mr. Bennett:

The State of Alaska has reviewed the March 17, 1994 Advanced Notice of Proposed Rulemaking, Docket No. 27643, concerning Overflights of the National Park System. This letter represents the consolidated comments of the State's resource and transportation agencies.

The State recognizes that trends in aircraft use over selected park areas such as the Grand Canyon merit careful study and efforts to minimize impacts. State agencies, however, have expressed serious concerns about the broader implications for Alaska of general policies or regulations which are developed for application to the park system nationwide. If the general proposals discussed in the Advance Notice go forward into rulemaking, it is not difficult to foresee potentially drastic changes in the primary method of access used throughout most of Alaska.

The State of Alaska strongly recommends:

- \* The Federal Aviation Administration (FAA) should retain full regulatory authority over air space and air travel, particularly in Alaska.
- \* Exclude Alaska from any broader national policies or regulations which would apply to the national park system or other conservation system units.
- \* Any future necessity to regulate airspace over national parks, especially in Alaska, should only be addressed on a park-specific and site-specific basis.

- \* Any regulatory procedures should utilize and/or be compatible with the spirit and intent of the Alaska National Interest Lands Conservation Act (ANILCA) which recognizes the importance of aviation in Alaska.

#### Uniqueness of the Alaska Situation

Lacking a statewide road system, Alaska relies heavily on air transportation for basic access. With very few surface transportation alternatives, air travel is the only practical way to get around the state, and is essential for access to all communities.

In addition, Alaska has 13 large national park units, with more national park acreage than all other states combined. Due to unpredictable weather and mountainous terrain, many of the only feasible air corridors linking population centers are through mountain passes that are within park units. Consequently, one can virtually not fly from one area of the state to another, from one community to another over common and direct routes, without traversing park lands. Restrictions on such overflights could dramatically increase the risks and flying time for light aircraft, which of necessity must often fly at low altitudes.

In the fall of 1993, the Alaska Department of Transportation and Public Facilities (DOT/PF) assisted the FAA with an inventory of airports whose approach and departure patterns, or boundaries, affect national parks and national wildlife refuges. DOT/PF counted 24 airports affecting national parks, and 137 which affect national wildlife refuges. Almost all of these airports are public, and most are owned and operated by the State of Alaska. The inventory did not include the myriad of gravel bars and upland strips, lakes used by float planes, or areas used for ski landings, all of which are protected for public use by ANILCA, as addressed below.

General restrictions on overflights of park units in Alaska would have broad implications for a variety of commercial and non-commercial uses, many of which are uncommon outside Alaska. Aircraft access is essential for recreational backcountry access, resource exploration and development, grocery and freight deliveries, hunting and fishing, access to inholdings, and postal service.

#### Role of the Alaska National Interest Lands Conservation Act

As the enabling legislation for all of the recently created and expanded park units in Alaska, ANILCA amends the application of

the National Park Service's (NPS) Organic Act, the Wilderness Act, and other legislation affecting the management of park units in Alaska. ANILCA specifically protects the lifestyles of Alaska residents, including access by means of aircraft throughout park units - including designated wilderness areas. In adopting ANILCA, Congress recognized the lack of surface transportation and the necessity of aircraft use despite its noise impacts.

The NPS has the authority to control or restrict aircraft landings and to restrict aircraft use for certain purposes in Alaska park units, but has no authority to restrict aircraft use over a park unit. Where the NPS believes restrictions are necessary on a case-by-case basis for a particular park unit, or portion thereof, restrictions should first be considered through ANILCA's access regulations detailed in 43 CFR Part 36 and 36 CFR Part 13.30.

For example, use of aircraft for traditional activities and for access to inholdings is authorized under Section 1110(a) and (b) of ANILCA. Use of aircraft for these purposes cannot be prohibited unless, after notice and hearing in the affected area, it is determined to be detrimental to the resource values of the unit.

The 1987 NPS Overflights Act explicitly exempted Alaska from its requirement to conduct studies of overflights of parks. We are unaware of other studies specific to Alaska which document existing uses and/or detrimental effects of aircraft use on park resources. Such findings are essential before any action is considered which would restrict aircraft access under ANILCA.

#### Airspace Responsibilities Appropriately Rest with the FAA

The 1958 Aviation Act appropriately tasked the FAA with regulating air space and air travel, with priority given to safety and efficiency. FAA has the expertise and knowledge to perform these functions. The NPS on the other hand is responsible for preserving and protecting park land. This division of responsibility is healthy and should be maintained. The FAA should continue to regulate air space and air travel. The NPS is not mandated to place a priority on the safe and efficient use of airspace, as evidenced by efforts in Alaska to impede the maintenance and improvement of existing public airports within park boundaries. If the NPS is given a lead or dual role in influencing the management of airspace, NPS institutional mandates will compel them to prioritize protection of surface park resources over the realities of air access requirements. This is unworkable in a state so dependent on air transportation.



The FAA, while working cooperatively with the NPS when problems arise, should retain its full regulatory authority. Other recent legislation passed by Congress assures that the FAA will work with the NPS to resolve legitimate problems for the benefit of the public as a whole.

#### Site-specific vs a Broad-brush Approach

State agencies are concerned that remedies for the Grand Canyon and Haleakala national parks will be applied prematurely or unnecessarily to other areas. Other national parks, such as Everglades, Yellowstone, and Alaska's Wrangell-St. Elias, will all have different circumstances and park-specific use patterns.

Resource management problems caused by aircraft flying over park units should be evaluated on a unit-by-unit basis. Furthermore, any subsequent restrictions should be limited to the minimum portion(s) of the unit necessary to adequately address the problem. Such restrictions should also be limited to the season of high use, if such a seasonal cycle exists -- as it certainly does in Alaska. Evaluation of problem areas should also factor in and target the type of use that is perceived to be causing undesirable impacts. If intensive, low-level flightseeing triggers debate in a particular area, then there should be no need to address other types of aircraft use, such as general transportation, mail plane deliveries, etc.

The FAA should also keep in mind that many park boundaries in Alaska, and elsewhere, are aligned on arbitrary section lines which are not evident from the air or the ground. Where restrictions on overflights or minimum altitude requirements are deemed essential, they should utilize hydrographic divides or other features recognizable from the air.

The State also strongly recommends that the FAA look first to voluntary measures to reduce impacts of aircraft use. Voluntary programs would likely meet with greater public and aviation industry acceptance, and provide necessary flexibility required for variable weather and changing use patterns. Regulatory solutions should only be imposed when voluntary methods have proven inadequate.

The State has a long history of observing the application in Alaska of federal rulemaking designed to address "lower 48" problems. Despite repeated assurances at the time of the rulemaking that they were not intended to address Alaska, such promises are seldom kept unless they are written into the regulations. Through changing administrations, new policies and court intervention, even well-intentioned managers are sometimes forced to impose rules inappropriate to Alaska conditions.

We see general aircraft overflight rulemaking that could apply to all park units quickly following an identical path. Ultimately, rules that were intended to remedy very localized problems in Arizona and Hawaii would have widespread influence on virtually all aircraft operations in Alaska. Consequently any subsequent rulemaking should focus on a unit-specific basis. Furthermore, if general policies are deemed essential, we strongly urge incorporation of an explicit exemption for Alaska maintaining the status quo. (Informal assurances outside the regulatory process are not adequate based on our experience.) Existing FAA regulations provide an adequate mechanism for working with the NPS to address the few situations in Alaska where an evaluation of overflights may be productive in the future.

#### Military Use of Air Space

The military has designated areas for military training which overlay portions of some of the national park units in Alaska. Designation of these training areas has typically been preceded by an environmental impact statement under to the National Environmental Policy Act. We request that any future rulemaking explicitly provide for the retention of these established training and operating areas where the NEPA process has adequately addressed potential impacts.

#### Wildlife Issues

Existing federal and state laws adequately protect wildlife populations from harassment where agencies provide adequate law enforcement. There is no need to duplicate existing law when improved enforcement of existing law will work. Restrictions on overflights and minimum altitude requirements could significantly impact a variety of wildlife-related activities, including

- \* the Alaska Department of Fish and Game's ability to conduct wildlife surveys without cumbersome paperwork;
- \* aerial fish spotting in support of commercial fishing; and
- \* hunters' and photographers' abilities to locate hunting and observation sites.

#### Conclusion

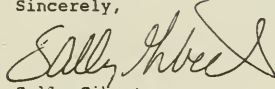
The State of Alaska cannot overemphasize how critical this issue is to aviation in Alaska. If the current course is not altered, we can foresee the demise of aviation in Alaska as we know it today in a few short years, leaving a major, detrimental impact on a broad cross section of individual, community, and commercial interests in Alaska.

Mr. David L. Bennett, FAA

Page 6

Thank you for your consideration of these comments. If you have any questions, please contact me at 907-561-6131.

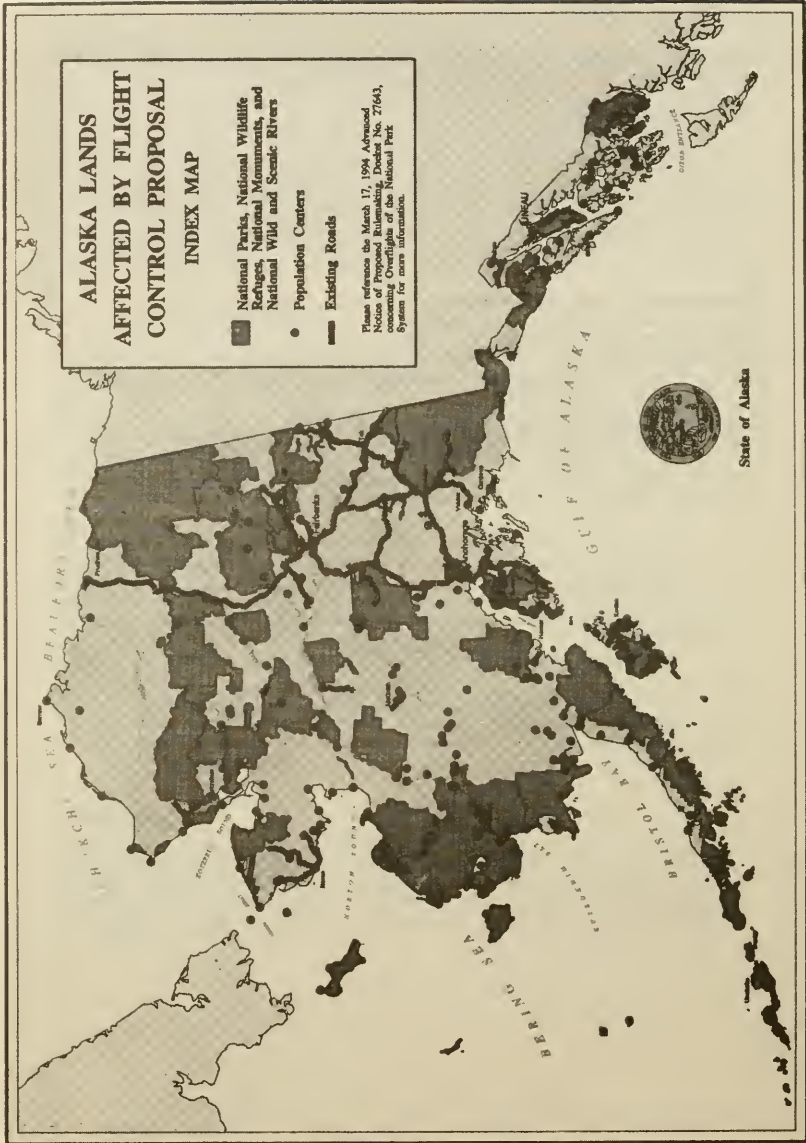
Sincerely,



Sally Gibert  
State CSU Coordinator

cc:

John Morehead, Regional Director, National Park Service  
Honorable Ted Stevens, U.S. Senate  
Honorable Frank Murkowski, U.S. Senate  
Honorable Don Young, U.S. House of Representatives  
Bruce Campbell, Commissioner, Department of Transportation and  
Public Facilities  
Carl Rosier, Commissioner, Department of Fish and Game  
Harry Noah, Commissioner, Department of Natural Resources  
John Sandor, Commissioner, Department of Environmental  
Conservation  
Richard Burton, Commissioner, Department of Public Safety  
John Katz, Governor's Office, Washington, D.C.



# ALASKA LANDS AFFECTED BY FLIGHT CONTROL PROPOSAL



Please reference the March 17, 1984 Advanced Notice of Proposed Rulemaking, Docket No. 78643, concerning Overflights of the National Park System for more information.



State of Alaska

July 1984

0 500 miles

# WHO OWNS ALASKA?



Alaska Department of Natural Resources  
July 1994



## ADDITIONS TO THE RECORD



**Congress of the United States**  
**House of Representatives**  
 Washington, DC 20515-2801

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JAMES H. BILBRAY  
 1ST DISTRICT, NEVADA

COMMITTEE ON  
 ARMED SERVICES

COMMITTEE ON  
 SMALL BUSINESS

CHAIRMAN, SUBCOMMITTEE ON  
 PROCUREMENT, TAXATION  
 AND TOURISM

PERMANENT SELECT  
 COMMITTEE ON INTELLIGENCE

STATEMENT OF THE HONORABLE JAMES H. BILBRAY

before

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

SUBCOMMITTEE ON AVIATION

July 27, 1994

Mr. Chairman, thank you for giving me the opportunity today to present testimony regarding scenic overflights of our national parks, especially the Grand Canyon.

As you may be aware, many of the air carriers that provide scenic tours of the Grand Canyon are based in my district. These carriers, known collectively as the Grand Canyon Air Tour Council (GCATC), are a significant component of the Las Vegas tourism industry. As Las Vegas continues to market itself as a more family-oriented destination, our visitors are constantly in search of recreational activities outside the hotels and casinos. Scenic air tours of the Grand Canyon have proven to be a popular recreational activity for many families visiting Las Vegas. For elderly and disabled individuals, air tours often provide the only practical means of park visitation.

I have met with John Sullivan, President of the GCATC, and other members of the council on several occasions to discuss the issue of overflights in the Grand Canyon. These individuals

understand, perhaps better than anyone, the need to balance the recreational opportunities provided by air tours with need to maintain a peaceful, natural environment for the Grand Canyon's backcountry visitors. In search of that balance, the air tour industry worked successfully with the FAA several years ago to develop a complex airspace system that requires aircraft to stay on specific routes and altitudes to minimize environmental impacts in the Canyon. This system effectively restricted air tour aircraft to flight paths covering only 14% of the park. Surveys, studies and visitor complaints show that the current system is working extremely well to minimize noise disturbance in the Canyon, thereby meeting the Congressional mandate for a "substantial restoration of natural quiet" in the park.

Mr. Chairman, further restrictions on the air tour industry will likely have dire consequences for both the commercial aircraft operators and for a significant segment of the Las Vegas tourism industry. I urge this committee to consider carefully the proposed legislation and administrative regulations establishing further restrictions on our nation's air tour industry so as not to effectively eliminate a vital component of our tourism industry.



**marion b. davidson**  
attorney at law  
star route, box 332, placitas, new mexico 87043  
(505) 867-5178

June 16, 1994

Office of General Counsel  
Attention: Rules Docket AGC-200  
Federal Aviation Agency  
800 Independence Avenue  
Washington, DC. 20591

RE: Docket # 276-43  
Proposed Ruling on Overflights of National Park  
System

To Whom It May Concern:

I welcome this opportunity to comment on the proposed management of aircraft over the National Park System for the constant roar of helicopters over my campsite in a remote valley on Hawai'i's Big Island was most disturbing. It was only two weeks ago that I backpacked into Waimanu Valley—the premier hike on the Big Island of Hawai'i. I had wanted to take this hike for many years and now finally had the opportunity. The hike was quite strenuous—nine miles from the trailhead with several steep ascents and descents. The historic Muliwai Trail passed through coastal rainforest and included thirteen gulches, many with waterfalls that announced themselves audibly long before they became visible through the ferns and trees of the dense forest.

At the trailhead, a helicopter cracked the stillness, as if to warn of things to come. So struck was I by the beauty and stillness of the initial coastal valley of Waipio, I could not imagine the racket that I would encounter after two days of strenuous hiking through the rainforest. We started up the steep series of switch backs to the top the ridge 1000 feet above the valley floor and there a handpainted sign warned of helicopters. Again I did not get the message. As we walked along the trail, birdsong accompanied us. Thirteen native bird species live in this area as well as the endangered Hawai'ian hoary bat. I searched through the dense growth to see the sources of the songs.

We finally reached Waimanu mid afternoon on Friday, setting up camp at our assigned site along the beach. Helicopters interrupted the quietness of the place that was uninhabited excepted for one other camper. Saturday morning was much worse. Starting at about 9:00 am, helicopters swung around the steep canyon walls every fifteen to twenty minutes. At one time, there were three helicopters in the valley at one time. Many of them flew just above tree level, swinging along the sides of the canyon to view the waterfalls and then charging out. From our beach camp vantage point, it looked as though two helicopters could easily collide as they swung around the steep canyon wall at the beach. By Sunday morning, one could tell time by the helicopters. Sure enough at 9:00 am the first of the day's parade of aircraft crashed through the mists of the pristine valley, its noise reverberating between the narrow walls of the canyon. Returning the next day through the forest, it almost seemed

strange not to be plagued with the sound of thundering aircraft during the daytime hours.

You might be wondering why I am submitting these comments concerning a hike into Waimanu, which is not a national park, but a National Estuarine Research Reserve. My answer is twofold. First, I think that the experience that I have just related could equally occur in areas within the National Park System—the Grand Canyon or Canyonlands, for example. Second, I submit my comments with the hope that the coverage of these proposed regulations will be broadened to include areas designated under the National Estuarine Research System of the Coastal Zone Management Act, such as Waimanu Valley.

The presence of tour aircraft denigrates two aspects of this beautiful wild place—recreational enjoyment and preservation of the habitat for several species of waterbirds. (I should note that of the eight native species of Hawaiian waterbirds, five are endangered.)

By setting aside certain areas for outdoor recreation, our society recognizes the human need for places “where earth and its community of life are untrammelled by man . . . retaining its primeval character and influence . . . .” (Language establishing National Wilderness Preservation System) Commentators from Thoreau and Leopold to the modern naturalists like Annie Dillard and Peter Matthiessen support the notion that humans need wild places for physical and psychological renewal. (See also Russell, Planning Programs in Recreation; Jensen, Outdoor Recreation in America and Carlson et. al Recreation and Leisure, the Changing Scene.) The U. S. Forest Service measures the visual effects of proposed resource management decisions on the expected visitor. (National Forest Landscape Management, Vol. 1 & 2) I can only hope that the proposed regulations will develop a similar technique of considering auditory effects and the listener’s “sensitivity level.” However, in Waimanu, no sophisticated standards are required to demonstrate that constant helicopter traffic, many at tree line, is absolutely inconsistent with the values that underlie the establishment of our park and other wildland recreation areas.

Finally, it should be obvious that the waterbirds of Waimanu are severely affected by the constant air traffic—startled by the craft as they whirl around the steep canyon walls hovering for a moment at tree level beside the beautiful waterfalls and dashing out again. Clearly, the purposes of the establishment of Waimanu as a National Estuarine Research Reserve—“to provide area . . . for scientific research and public outdoor environmental education” are defeated by the current level of aircraft in the area.

I urge you to include National Estuarine Research Reserves in the areas covered by the proposed regulations and moreover hope that the final regulations will prevent the type of noise pollution currently occurring in Waimanu.

Sincerely yours,

*M B Davidson*

Marion B. Davidson  
Attorney at Law

**General Aviation  
Manufacturers Association**

Edward W. Stimpson  
President

1400 K Street NW, Suite 801  
Washington, DC 20005-2485  
(202) 393-1500 • Fax (202) 842-4063

July 27, 1994

The Honorable Jim Oberstar  
Chairman, Aviation Subcommittee  
Committee on Public Works and Transportation  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

The General Aviation Manufacturers Association appreciates the opportunity to comment on the Advanced Notice of Proposed Rule Making (Docket 27643) and proposed legislation (H.R. 4163) concerning regulations affecting scenic overflights above National Parks.

GAMA believes airspace regulation must remain solely under the purview of the FAA. GAMA also recommend a series of four actions that could help resolve the issue of flight over scenic areas.

**Airspace Jurisdiction.** The Federal Aviation Act of 1958 specifically and clearly states that the Federal Aviation Administration should be the agency responsible for the regulation of the navigational airspace. Prior to this act, multiple agencies regulated the use of airspace, sometimes resulting in unsafe conditions.

It was just such an unsafe condition that contributed to the tragic 1956 mid-air collision over the Grand Canyon and led to enactment of the Federal Aviation Act. Clearly, it was Congress' intent to ensure one agency regulates flight within U.S. airspace. And rightly, the Congress chose the FAA to be that one agency.

A dilution or elimination of this authority to a multiplicity of agencies, whether it be the National Park Service, Department of Defense, Forest Service, or EPA is counterproductive. It could lead to confusion, needless duplication, and a reduction of the level of safety within our

The Honorable Jim Oberstar

July 27, 1994

Page 2

nation's airspace. We would urge the committee to keep the authority to regulate navigable airspace solely within the jurisdiction of the FAA.

At the same time, it is imperative that the FAA respond to the recommendations of other federal and local agencies. To its credit, FAA has been increasingly responsive to environmental concerns. FAA has drafted workable airspace regulations which provide adequate consideration of environmental issues. In most cases, FAA has struck an appropriate balance between the needs of the national airspace system, airspace users, local communities and the environment.

**Overflight of Scenic Areas.** Air tour operators have an excellent safety record. They provide transportation and enjoyment to thousands of people, including those with disabilities, who might not otherwise enjoy and appreciate the scenic wonders of our national parks. A strong case can be made that air tours provide less environmental impact than motor vehicles and large groups touring on the ground.

We recommend that a number of steps be taken:

1. Study proposed areas to quantify the actual environmental impact of aircraft operations. Careful understanding of aviation's environmental impact compared to other impacts should be required. Then, if restrictions are justified, undertake close consultation between all parties to work-out meaningful accommodations. These might include limitations on aircraft routes, schedules, and patterns.
2. If required, designate some national parks or other areas as special high use/activity areas, similar to designated Military Operation Areas (MOA's). This would help ensure continued safe aircraft operations.
3. While there are no "quantum jumps" in aircraft/engine noise technology on the horizon, a focused, adequately funded government-industry research partnership (including both NASA and the FAA) should be undertaken for both piston and turbine engines. This could help achieve new levels of environmental

The Honorable Jim Oberstar  
July 27, 1994  
Page 3

compatibility. Such a provision has been included in S. 1491, and has been recommended by NASA's General Aviation Task Force.

4. If airspace restrictions are required, they should be promulgated and enforced by the FAA.

GAMA will be pleased to work with the subcommittee on these important issues.

Best Regards,

MAURICE D. HINCHEY  
26TH DISTRICT, NEW YORK

COMMITTEE ON BANKING,  
FINANCE AND URBAN AFFAIRS

SUBCOMMITTEES  
FINANCIAL INSTITUTIONS SUPERVISION  
CONSUMER CREDIT AND INSURANCE  
GENERAL OVERSIGHT AND INVESTIGATIONS

COMMITTEE ON  
NATURAL RESOURCES

SUBCOMMITTEES  
NATIONAL PARKS AND PUBLIC LANDS  
GENERAL OVERSIGHT

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3226

July 26, 1994

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Hon. James L. Oberstar  
Chairman, Subcommittee on Aviation  
House Public Works and  
Transportation Committee  
2251 Rayburn HOB  
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing in regard to the hearings your subcommittee is conducting regarding flights over national parks. Congress took a step in the right direction in 1987 by restricting flights in some areas, but I believe further action is needed to protect the parks themselves and the experience they offer to visitors.

Our colleague, Pat Williams, has introduced excellent legislation that would give the Park Service a direct role in regulating overflights, and I am a cosponsor of his legislation. Without such authority as the bill would provide, the Park Service cannot adequately protect the resources it is charged with protecting. Aircraft operations and noise can interfere with wildlife, can endanger delicate structures, and can contribute to pollution. The FAA is qualified to make judgments on safety that the Park Service would not be qualified to make. But it is not qualified to make judgments on wildlife or on park resources.

The Park Service also has a responsibility to park visitors. While its judgments on how best to carry out that responsibility may not have the same objective and scientific grounding as its decisions on wildlife protection, it is a critically important responsibility. Especially in the larger and more rugged parks, it must try to maintain a balance between the interests of those visitors who are seeking solitude and an unmediated experience with nature, and the interests of those who need some form of mechanical assistance to gain access to the wonders that the parks offer. But it cannot even attempt to strike that balance if it has no effective control over one side of the equation.

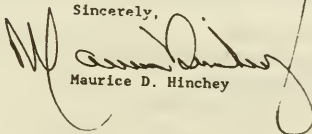
I would also ask you to give some consideration to issues concerning overflights that go beyond the scope of Mr. Williams' legislation. I have heard complaints from many of my constituents not only about low-flying tour

Hon. James L. Oberstar  
July 26, 1994  
Page 2

aircraft, but also about the noise produced by other aircraft flying over parks. I would also ask you to give some consideration to the impact of aircraft noise on protected areas other than national parks, such as state and federal wilderness areas and wildlife sanctuaries. We have not truly protected these areas if protection ends at the treetops, and if their airspace is effectively unregulated. I believe that a reasonable balance can be struck between the interests of nature and the interests of air travel, but the problem should not be ignored.

Please enter my remarks in your hearing record on this matter, and thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Maurice D. Hinchey", written in a cursive style. The signature is positioned to the right of the typed name below it.

Maurice D. Hinchey

MDH:ca



Working for the Nature of Tomorrow.

NATIONAL WILDLIFE FEDERATION, 1400 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 797-6800

Office of the President

August 3, 1994

The Honorable James L. Oberstar  
Chairman  
Subcommittee on Aviation  
Public Works and Transportation Committee  
U.S. House of Representatives  
2251 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Oberstar:

On behalf of the National Wildlife Federation, I am writing you in support of two National Park protection bills: H.R. 1696 and H.R. 4163. The mission of the National Wildlife Federation is to educate, inspire and assist individuals and organizations of diverse cultures to conserve wildlife and other natural resources and to protect the Earth's environment in order to achieve a peaceful, equitable, and sustainable future. In that regard, we urge you to take action to protect the wildlife, natural quiet and beauty of our National Parks from the impacts of low-flying aircraft.

H.R. 1696 and 4163, introduced by Representatives Mink and Williams respectively, address the increasingly important issue of National Park overflights, aircraft noise, and related impacts in Hawaii and nationwide. I urge your support for these bills and request that you add this letter to the record of the subcommittee's July 27th hearing on this issue.

Visitors from around the world visit the National Parks in Hawaii and elsewhere in our Nation to experience these parks' unique natural values and features. Visitors are attracted to the Hawaii Volcanoes and the Haleakala National Parks because each has been recognized as a world biosphere reserve, an unparalleled natural beauty, and a home to endangered species found nowhere else in the United States, or the world.

Sadly, however, it is no longer possible for any visitor to these parks to find solitude, as unregulated aircraft overflights are creating significant and increasing disturbance, noise and related disruption of the park experience. To address this problem, we urge your support for Representative Mink's proposal, H.R. 1696, which would provide for the necessary regulation of park overflights in Hawaii.

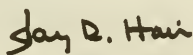


August 3, 1994  
Page 2

The issue of overflight noise and disturbance of National Park natural resource values and visitor experiences is clearly of nationwide concern. In addition to the situation in Hawaii, much attention has also been given to this issue in the Everglades, Grand Canyon and Great Smokies National Parks. Yet, as the National Parks and Conservation Association has repeatedly noted, the reality is that this issue already damages the natural quiet expected by visitors in 111 parks throughout the Nation. Without adequate regulation, this problem can only spread to other National Parks as well. Representative Williams' bill, H.R. 4163 is a thoughtful and appropriate response to the problem of low-flying aircraft impacts in the National Parks. We urge you to support both of these bills.

Thank you for your consideration of these important issues.

Sincerely,



JAY D. HAIR

JDH:fah

cc: Members, House Public Works and Transportation Committee



# Northern California Airspace Users Working Group

1250 Aviation Avenue, Suite 170 □ San Jose, California, 95110 □ Phone (408) 293-5352

## Member Groups

Aircraft Pilots of the Bay Area  
 Air Transport Association  
 Airline Pilots Association  
 Allied Pilots Association  
 American Airlines  
 Air National Guard  
 Aircraft Owners & Pilots Association  
 Ais Helicopters  
 California Pilots Association  
 Caltans  
 Civil Air Patrol  
 Experimental Aircraft Association  
 Hamilton Route Committee  
 Hayward Air Terminal  
 Metropolitan Transportation Commission  
 Napa Valley Balloons  
 NASA Ames Research Center  
 National Air Traffic Controllers Association  
 National Business Aircraft Association  
 Naval Air Station Alameda  
 Naval Air Station Moffett Field  
 Pacific Gas & Electric  
 Pacific Soaring Council  
 Palo Alto Airport  
 Port of Oakland  
 Salinas Municipal Airport  
 San Francisco International Airport  
 San Jose International Airport  
 San Jose Jet Center  
 Sheriff's Air Squadron  
 Sierra Academy of Aeronautics  
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 United Airlines  
 U S Air  
 U S Air Force  
 U S Navy  
**Technical Support**  
 Federal Aviation Administration  
 University of California  
 Institute of Technical Studies

July 14, 1994

The Honorable James Oberstar  
 Chairman, House Aviation Subcommittee  
 2209 Rayburn House Office Building  
 Washington, D.C. 20515-6257

RE: July 20, 1994 Hearing Concerning Overflights of National Parks

Dear Congressman Oberstar:

The Northern California Airspace Users Working Group (NCAUWG) is a committee composed of experienced airspace users that represent virtually all segments of aviation. Our membership includes the groups shown on the left margin of this stationery. The NCAUWG mission is to develop recommendations for the safe and efficient use of airspace. A copy of our Mission Statement is enclosed for your information.

It is our understanding that the House Aviation Subcommittee will hold a Hearing July 20, 1994 concerning "Legislation and Regulations Affecting Scenic Overflights Above National Parks." The NCAUWG recently developed comments to this same subject area in response to Advanced Notice of Proposed Rule Making (ANPRM) 94-4 as published by the Federal Aviation Administration (FAA). The issues involved are of serious concern to the members of this organization because some of the proposed actions have the potential for significantly reducing the safe and efficient use of the National Airspace. Our comments are enclosed. We respectfully request that your Subcommittee give them full consideration during deliberations regarding this important matter.

Sincerely,

Walter Ramseur  
 Walter Ramseur, Co-Chairman

Neil D. Reid  
 Neil D. Reid, Co-Chairman

Enclosure

## COMMENTS TO ADVANCED NOTICE OF PROPOSED RULEMAKING (ANPRM) 94-4

1. An extension of the closing date for the comment period for this ANPRM is requested.

The Secretary of Interior is preparing reports regarding the effects of aircraft noise over the National Park System. The reports will provide an improved basis for comment on this issue. That information should be made available to the public for a reasonable period of time prior to the closure of the comment period.

In addition to the delayed closing of this ANPRM, there should be a minimum of 9 months elapsed time after this comment period is closed prior to issuance of a Notice of Proposed Rulemaking (NPRM), should one be determined necessary. If the closing date for this ANPRM is not delayed as requested, then the 9 month waiting period should not begin until the report being prepared by the Secretary of Interior (in accord with Public Law 100-91) is available to the public. Any NPRM that may be issued in the future regarding this subject should have a minimum 150 day comment period to allow for coordination by affected parties.

Public Law 100-91 (August 18, 1987) required the Secretary of Interior to submit a report to Congress within 3 years following enactment providing information concerning:

- (1) the impacts of aircraft noise on the National Park System (NPS),
- (2) the impairment of visitor enjoyment,
- (3) other injurious effects of overflights, and
- (4) the values (benefits) associated with aircraft flights over the NPS.

Public Law 100-91 also required the Secretary of the Interior to submit a report to Congress discussing the effectiveness of a previously adopted plan for "substantially restoring the natural quiet" in Grand Canyon National Park. ANPRM 94-4 seeks comments on subjects that are directly related. Extending the comment period will improve the quality of comments and provide the public the courtesy of being better informed at the time it comments.

2. Fairness dictates that viewing the National Parks and Wilderness Areas be available by all reasonable methods of transportation.

Any human entry into a National Park causes, or at least has the potential for causing, some form of negative impact on the park involved, or to other

people in the park. This ANPRM seeks comments regarding overflights by commercial air tour operators and general recommendations for preventing, minimizing, or eliminating impacts of aircraft overflights. No proposal for restricting any form of surface transportation has been made, yet the majority of the noise where people congregate to view the National Parks is caused by surface transportation activities. Sources of such noise include

automobile, truck and bus engines, motorcycle exhaust, car door slamming, motorhome generators, portable radios, shouts of rafters communicating with each other, children playing, animal noise, etc.

It should also be noted that those who choose the surface transportation mode leave various types of waste material behind, trample the local plant growth, and frighten the wild animals that are in their near proximity. Aircraft overflights are less noisy than several of the surface transportation modes mentioned above and cause none of the other negative effects.

Approximately 10 percent (another survey said 20 percent) of the visitors to the Grand Canyon National Park do so by air tour because they are physically handicapped, too old, or too young to withstand the rigors of viewing the park by walking the trail system. Another 7 percent of park visitors choose the air tour mode of viewing the park due to limited time. Any efforts to reduce the number of air tours would restrict these groups from being able to view the park.

The preferential treatment of any mode of transportation over any other is not appropriate, and neither is the discriminatory regulation of one mode over others.

### 3. The control of airspace should continue to reside with the Federal Aviation Administration (FAA).

The FAA has the legal mandate to establish and implement rules and regulations for the safe and efficient use of the nation's airspace. In response to this mandate, the FAA has developed the tools, procedures, equipment, and personnel to do so. It has established rules for the fair, safe, and equitable use of airspace, and for the consideration of changes to the use of airspace when the need arises. Any reorganization that would allow other agencies to determine airspace restrictions instead of the FAA would be contrary to existing law, and could result in the loss of experienced personnel and well proven safety oriented procedures.

Due to safety and efficiency reasons, the design of the national airspace is highly structured and complex. In general, airspace users feel that flying

even under existing airspace rules, restrictions, and regulations requires too much "head in the cockpit" time. Safety of flight is improved by minimizing the number of areas having airspace restrictions, particularly those having non-standard shapes.

The National Park Service (NPS) has no experience in the design or implementation of airspace restrictions. With this in mind, the NPS should not presume that future decisions by the FAA regarding the use of airspace over the National Parks will be contrary to the legitimate needs of the parks. However, the NPS should concede that airspace decisions must take into account the overall affects to the public, including health, safety, airspace capacity, the use of natural resources, and economic considerations.

4. Any future airspace restriction must be tailored to impose the least burden on society and have no adverse effect on aviation safety.

Any restriction to the use of airspace that is not implemented in the interest of safety will have an adverse effect on air navigation and the efficient use of air transportation. For example, restrictions that require aircraft to deviate from their planned course to go around designated areas cause increases in fuel consumption and require more time to get from one point to another. They will also increase the density of aircraft flying near the boundaries of restricted airspace which could cause safety implications.

5. Privately owned, non-commercial flights should not be restricted from using the airspace above the National Parks.

Acoustical measurements at the Grand Canyon monitoring sites (Report 290940.251) indicate that noise from non-commercial aircraft (privately owned general aviation) are audible approximately one percent of the time, if at all, which is insignificant. The current restrictions have effectively driven them out of the airspace over the Grand Canyon. The majority of the general aviation fleet is not equipped to fly above 14,500 feet, the top of the restricted airspace. The regulation, Special Federal Aviation Regulation 50-2 (SFAR 50-2), is unduly restrictive for aircraft of this description. Commercial air carrier traffic overflies the restricted airspace unimpeded, but audible below. The tour operators use the corridors through the restricted airspace, and are audible below. Regulations like SFAR 50-2 are basically unfair to the broad category of aircraft known as "General Aviation." SFAR 50-2 should be repealed.

6. Preliminary information from noise studies contracted by the National Park Service indicates that the Consultant has used dissimilar noise description methods in comparing aircraft noise to background noise. The effect of such comparisons is to magnify aircraft noise events. Such reports should not be used in decision making.

Report No. 290940.18, entitled "Aircraft Management Studies," August 1993, (and possibly others), uses comparisons of dissimilar noise description methods for comparing aircraft to non-aircraft noise. Examples are:

(a) comparing the maximum A-weighted sound level ( $L_{max}$ ) of an aircraft overflight to the background sound equivalent level ( $L_{eq}$ ) averaged over time including when there are no identifiable background noise events,

(b) comparing the Sound Exposure Level (SEL), which is a summation, not an average, of all the sound energy of a given overflight, to the background  $L_{eq}$  averaged over time including when no identifiable sound events occur,

(c) comparing the Cumulative Sound Exposure Level (CumSEL) to the background  $L_{eq}$  averaged over time including when no identifiable sound events occur. The CumSEL is a summation of all the aircraft SELs (which is already a summation of the sound energy of an individual overflight) that occurred during the measurement period, and

(d) comparing the  $L_{max}$  data for aircraft to a graphic plot of the statistic levels ( $L_1$  through  $L_{99}$ ) of background noise.

None of these comparisons used data expressed in like noise description methods.

The effect of selecting and locating the data in the tables and graphics provided is to make aircraft noise readings appear much larger than the background noise. No similar treatment of non-aviation noise events was reported. However, the monitoring sites may have been selected to be sufficiently far from highways, parking lots, places where people talk or children play, or other public facilities so that the non-aviation events were not very noticeable. If this was done, it too would make aircraft noise levels appear comparatively larger than the reported non-aviation background noise. Regardless of whether this was done, the important point here is that the same noise description method should have been used for the comparison of noise events from different sources.

7. This ANPRM should not result in recommending a precedent that would dilute the authority of the FAA to establish airspace restrictions based on safety, efficient use of airspace, social and economic considerations.

The basic concepts being explored by this ANPRM have implications that are potentially far reaching due to the possibility of a recommendation for changing the priority for the use of airspace from safety and efficiency to preserving the "national quiet" or preventing what some environmental groups call "visual pollution" (the sight of an aircraft or its contrail) in airspace over the National Parks. Changing the priority for the use of the nation's airspace poses an extreme potential adversity for aviation. It would be totally unfair for government regulations to favor one form of transportation (surface) over another (aviation).

There are approximately 400 National & Scientific parks or reserved areas comprising nearly 400,000 square miles. Currently, there are 58,000 square miles covered by Classes B and C airspace for safety reasons in the United States. If the park facilities were awarded restricted airspace similar to the Grand Canyon National Park, the amount of restricted airspace in the United States would be increased by more than 500%. This estimate does not include State and local government parks and recreation areas.

The economic impact due to the loss of commercial business involved in air flights is large. Any restrictive precedent recommended as a result of this ANPRM could affect all forms of aviation. It would make flight path extensions necessary which in turn cause increases in consumption of fuel, the related air pollutants, and other general operating costs.

Any large scale change in use of airspace would most likely create safety problems due to the compression of aircraft into airspace that would still be available without restrictions. This is not only wasteful of time and fuel, it is contrary to good environmental and safety practice.

8. Reasonable limitations for the use of airspace by the commercial air tour operators could become the subject of agreement(s) between the tour operators and the FAA.

It is certainly reasonable and acceptable for the FAA, working with all the air tour operators involved, to consider various types of limitations to the use of airspace over the Grand Canyon National Park through some form of an agreement or memorandum of understanding. However, the limits to the use of airspace to be established outside of, or in place of, SFAR 50-2, should not be more restrictive than whatever restrictions apply to the use of park facilities accessed through ground transportation. Examples for consideration for restrictions applicable to both surface transportation and

airspace use would be:

No use of airspace by aircraft, and no use of surface facilities through surface transportation to be allowed

1. during certain hours of specific days,
2. during specific days of some weeks and/or months,
3. during specific hours of the day for specified areas.

There should be no preferential treatment of one group over another based upon type of transportation selected. Everyone should be treated equally.

9. Responses to Specific Questions Regarding Air Tour Sightseeing Operations.

(a) Voluntary Measures are always more desirable than regulatory restrictions, and they are equally as effective so long as they are fair and reasonable.

(b) Using the Grand Canyon airspace restrictions as a Model for other National Parks is unnecessary and unwise. It would be unduly costly in several ways. SFAR 50-2 imposes restrictions on the use of airspace to occasional transient flights that do not pose a significant contribution to the noise issue. If the Grand Canyon airspace restrictions are used as a model for other parks, aviation safety will be negatively affected by the compression of flights into other non-restricted airspace. SFAR 50-2 should be modified to eliminate the minimum overflight altitude of 14,500 feet above Mean Sea Level (MSL) or be canceled. It should not be used as a model for other park areas as written today.

(c) Flight Free Time Periods have merit as a voluntary (most desired) or imposed (least desired) means for achieving a compromise with the air tour industry for the Grand Canyon overflights at altitudes lower than 2,000 feet above the nearest rim of the canyon. However, the same hours for Flight Free Time Periods should also be observed as Visit Free Hours by those using surface transportation (no buses, trains, autos, trucks, motorcycles, or motorhomes). Restrictions should apply equally to all modes of transportation that pose a significant noise impact. Flight Free Time Periods would be difficult to justify for airspace users other than the air tour industry. For example, they would not be appropriate for transient general aviation overflights that pose no significant contribution to the noise environment at the Grand Canyon National Park.

(d) Altitude Restrictions are not recommended in the form of regulations that would apply to all aircraft. However, they are a proper subject for negotiation and agreement between the FAA and the air tour operators at



the Grand Canyon.

(e) Flight Free Zones are not recommended in the form of regulations that would apply to all aircraft. However, if used, they should only go up to 8,499 feet MSL, or 2,000 feet above the terrain, whichever is lower. Flight Free Zones first appeared in SFAR 50-2 in response to the directive to FAA to "substantially restore the natural quiet." Unfortunately, no specific definition was given to that phrase in the Public Law. Some sort of reasonable compromise of the overall needs of the public must be considered in determining how this phrase should be implemented. It should not be used as a basis for allowing preferential treatment for one group of people who would simply like to see aircraft restricted from overflying any national park at any altitude. There are social, economic, environmental and safety issues that should be considered in assigning meaning to the phrase.

(f) The use of Noise Equivalencies is unnecessarily complex for application to the Grand Canyon. It would require some form of expensive noise monitoring to insure equal implementation by the regularly operating tour operators. The concept of noise equivalencies is not practical for this application.

(g) Quiet Aircraft Incentives are not known to be effective for the type of aircraft involved in the air tour industry. This type of noise control method works best for jet air carrier type aircraft that are operating at airports that have other accompanying noise regulatory actions in place, such as access agreements or ordinances. Quiet Aircraft Incentives are not practical for this application, but a cooperative "Fly Quietly" program established by the air tour operators that would include using flight procedures that are safe but known to reduce the noise emission of the aircraft could be effective.

(h) Commercial Flight Sightseeing Prohibition is an unacceptable suggestion which reveals a one sided point of view rather than one of trying to work together cooperatively to achieve a reasonable compromise. If there were National Parks with complete bans against sight seeing of any sort, then the concept should be considered, but this is not the case at the Grand Canyon, and it is not likely to be the case anywhere.

--End of Comments--

**NORTHERN CALIFORNIA AIRSPACE USERS WORKING GROUP****MISSION STATEMENT**

(Amended 12/17/91)

The Northern California Airspace Users Working Group (NCAUWG) is a committee of highly experienced users of Northern California airspace that represent virtually all segments of aviation. The Group is composed of members from airports, airline pilots, general aviation pilots, airlines, general aviation manufacturers, fixed base operators, corporate aviation, military pilots, the Metropolitan Transportation Commission (MTC), the California Department of Transportation Division of Aeronautics, and the Federal Aviation Administration (FAA) as advisors. The purpose for the Group's existence is to study airspace use and related safety issues in Northern California, and to make formal recommendations regarding such issues to the FAA for use in rule making and non-regulatory actions. The Group establishes its own agenda, work schedule, and priorities based upon issue criticality, funding requirements, and resource availability.

The specific mission elements of the NCAUWG are:

1. Establish a forum which allows all facets of the aviation industry to provide input to the FAA in the areas of aviation safety, airspace design and airspace utilization in Northern California.
2. In general, work within an area of influence enclosed on its south side by the southern boundary of Oakland Center airspace, and on the west, north, and east sides by the boundary lines of the State of California.
3. Develop airspace design to more efficiently accommodate increases in the number of aircraft using Instrument Flight Rules (IFR) at the region's airports.
4. Improve access for aircraft using Visual Flight Rules (VFR) to and from the region's airports, and improve VFR transition routes in congested areas.
5. Simplify airspace design and charting for VFR airspace users.
6. Provide appropriate flexibility in the design and organization of airspace to accommodate helicopters and new technology aircraft safely and compatibly.
7. Advise the Metropolitan Transportation Commission (MTC), the California Department of Transportation, local government, and the FAA as appropriate regarding aviation system plans or studies and land use compatibility issues affecting aviation safety and/or the efficient use of airspace.
8. Continuously monitor FAA actions regarding airspace regulation and control, and prepare recommendations to the FAA regarding improvements in aviation safety and airspace capacity.

Statement of Congressman Bob Stump  
before the Subcommittee on Aviation  
Hearing on Legislation and Regulation Affecting  
Scenic Overflights Above National Parks  
July 27, 1994

Chairman Oberstar, Ranking Member Clinger and distinguished Members of the Subcommittee on Aviation, I appreciate the opportunity to testify before you today concerning scenic overflights above our National Parks.

I have had the honor of representing Arizona's Third District, which includes the Grand Canyon National Park, since January, 1977. During this time, I have become very familiar with the myriad of complex issues affecting the operations and management of the Grand Canyon National Park, including resource protection and preservation and concerns related to minimizing the impact of Park visitors while providing for a safe, educational and enjoyable visitor experience.

Commercial tour aviation over the Grand Canyon has provided thousands of park visitors of all ages and physical capabilities with an enjoyable natural experience and greatly enhanced access to the scenic wonders of the Grand Canyon. Currently, it is estimated that 17 percent of all visitors to the Grand Canyon view the Park from an air tour operator's plane or helicopter. This is a significant portion of Grand Canyon Park visitation, which should not be easily dismissed or overlooked as we review this matter.

It is also important to recognize the contributions that the commercial air tour operators have made toward increasing the safety of air tour flights and minimizing the noise levels within the Grand Canyon National Park. This is evidenced by the air tour industry's cooperation and working relationship with both the National Park Service and the Federal Aviation Administration to develop Special Federal Aviation Regulations No. 50-1 and No. 50-2, dealing specifically with overflight operations in the vicinity of the Grand Canyon National Park.

In 1987, the air tour operators were restricted by SFAR 50-1 to fly in smaller corridors and flight patterns to address the problems of restoration of natural quiet in the Grand Canyon. In 1988, SFAR 50-2 established flight-free zones in some of the most popular and heavily visited areas on the Grand Canyon. The air tour operators have complied with the restrictions and have had a very fine safety record as well. The Federal Aviation Administration reported in 1993 that the accident rate per volume of traffic for the air tour operators in the Grand Canyon has declined every year since 1988.

Also in 1993, the National Park Service reported that 92% of the

Subcommittee on Aviation  
July 27, 1994  
Page Two

Park's summer visitors surveyed said that there was no interference in their Park experience due to aircraft. The combination of limiting air tour corridors and the development of new technology are significant contributions to minimize noise in the Park. This too is an area which cannot be taken lightly or easily dismissed in the Subcommittee's review of this matter.

I would think that it would be difficult to develop regulations for park overflights that would be applicable to all parks within the NPS system, since each park has its own unique scenic qualities, areas or structures of historical significance and wildlife. Should the Members of the Subcommittee decide to craft a legislative proposal on overflights, I offer my assistance. I also strongly encourage you to work with existing commercial tour operators, who have been extremely cooperative with Federal officials in past regulatory and legislative actions, in addition to park visitors, management and other interested parties, to arrive at a balanced solution to the current conflict.

Clearly, any regulatory or legislative actions must be based on unbiased scientific and technical information to support such an action, and should take into account not only any possible impact to national park resources and visitor experience, but also the reduced access for visitors, and social and economic impacts to commercial air tour operators, communities, businesses and park visitors.

Mr. Chairman, thank you for your interest in this matter.



The Honorable James L. Oberstar

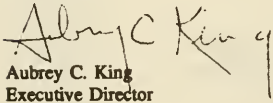
July 28, 1994

Page Two

Perhaps the most common misconception regarding the air tour industry is that it is detrimental to the aesthetic appeal and to the natural resources found in the national parks. However, tour aircraft actually help to preserve the natural environment, as they leave no waste or trash, nor do they make trails which cause erosion and other damage. Air tours also allow more people to experience the Parks without contributing to the over-crowding or over-use of Park facilities.

Thank you for this opportunity to voice our views on this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Aubrey C. King". The signature is written in dark ink and is positioned above the typed name and title.

Aubrey C. King  
Executive Director

*for record.*

STATEMENT BY  
THE HONORABLE DON YOUNG  
BEFORE THE AVIATION SUBCOMMITTEE ON NATIONAL PARK OVERFLIGHTS  
JULY 27, 1994

Mr. Chairman, thank you for holding this hearing today. There can be little doubt that access by aircraft is a legitimate means for visitors to enjoy their parks. Whether that's in a tour aircraft over Glacier Bay National Park, or a jet at 30,000 feet MSL on final descent into San Francisco flying over Yosemite National Park.

There also can be no doubt that the National Park Service agrees that air tours are a legitimate means to enjoy parks, because for the last several years Denali National Park has had a park concessioner offering air tours flying out of an airstrip inside the park. While I believe air tours provide an important visitor experience at many parks across the country, today I want to focus my comments on aircraft use in the Great State of Alaska, which I have the privilege to represent.

First of course, you need to understand that aircraft is an indispensable part of life in the State I represent. Alaska has more national park land, 54 million acres, than the other 49 states combined. Over one-third of the visitation to those parks is confined to a single, gravel road in Denali National Park. The rest of the parks are remote, inaccessible and generally little used. The interstate highway system is very limited and contains merely 13,500 miles of roadway, therefore, most private, state and federal lands are virtually inaccessible by highway or other ground transportation. Four of the 15 parks in Alaska are only accessible by plane or boat. Only 12,000 persons visited the 4 million-acre Lake Clark National Park in 1993.

The simple fact is, that the only way for the vast majority of the public to enjoy their national parks in Alaska is by air. Congress has already recognized that fact. When the National Park Service Overflight Act was enacted in 1987, the National Park Service was

directed not to study any parks in Alaska. That action was deliberate, because Congress recognized that aircraft and air tours were an appropriate activity to continue in Alaska, without need of further regulation.

Furthermore, the Alaska National Interest Lands Conservation Act (ANILCA), enacted in 1980, which expanded and established parks in Alaska, specifically protects the lifestyles of our rural residents, to include access by aircraft to park system units and wilderness areas. When Congress included these provisions in ANILCA, it was clearly in recognition of the lack of surface transportation and the need to use aircraft.

Section 1110(a) and (b) of ANILCA speaks specifically to the use of aircraft for access to inholdings and for "traditional activities" which include hunting and other means to a subsistence lifestyle.

That is not to say that common sense in terms of aircraft management is not just as appropriate in Alaska as in the lower 48 states. For example, the air tour operator at Denali goes into the remote sections of the park and stays away from the main park tour road. By contrast, the National Park Service conducts extensive airflight activity along the primary access road into Denali National Park. I suspect that it is this National Park Service administrative use which is the primary source of any visitor complaints at that park.

Finally, let me frame this debate in terms that we can all understand, that is jobs. In the last 15 years, Congress has proven to possess extraordinary skill and ability at depriving Alaskans of the opportunity to make a living from Federal lands in the State. In 1980, when Congress preempted the State of Alaska from exercising the right of selecting state lands first,



by locking up nearly 100 million acres of land in parks, refuges and wilderness, in enacting ANILCA, we were told parks would have positive economic impacts on the State. In many cases, that has simply never materialized. I won't state that there have been no benefits, but the real test of the benefits to the people of Alaska cannot be calculated without first analyzing the costs of lost opportunity.

Whether it has been refusing to provide new economic opportunity to Alaskans by prohibiting oil and gas development, or closing down existing activities such as timber harvesting in the Tongass National Forest or mining in Denali National Park, Alaskans have been impacted by Federal land set asides. Earlier this year, the National Park Service wrote me and told me that their best guess for total economic input to the State of Alaska from tourist visitation of the 4-million acre Lake Clark National Park in 1992 was \$526,000. In the Alaska economy, that is the equivalent of about 10 full time jobs in an area the size of the State of New Jersey.

The airtour industry employs several hundred people in Alaska and every single one of these jobs is important. I urge you to keep this in mind with regard to future legislation in this area.

I appreciate the opportunity to appear before you today.



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