

In August 1987, Congress enacted Public Law (Pub. L.) 100–91, commonly known as the National Parks Overflights Act (or the Overflights Act). The Overflights Act stated, in part, that noise associated with aircraft overflights at GCNP was causing “a significant adverse effect on the natural quiet and experience of the park and current aircraft operations at the Grand Canyon National Park have raised serious concerns regarding public safety, including concerns regarding the safety of park users.”

Section 3 of the Overflights Act required the Department of the Interior (DOI) to submit to the FAA recommendations to protect resources in the GCNP from adverse impacts associated with aircraft overflights. The law mandated that the recommendations: (1) Provide for substantial restoration of the natural quiet and experience of the park and protection of public health and safety from adverse effects associated with aircraft overflight; (2) with limited exceptions, prohibit the flight of aircraft below the rim of the canyon; and (3) designate flight-free zones except for purposes of administration and emergency operations.

In December 1987, the DOI transmitted its “Grand Canyon Aircraft Management Recommendation” to the FAA. The Overflights Act required the FAA to prepare and issue a final plan for the management of air traffic above the GCNP, implementing the recommendations of the DOI without change unless the FAA determined that executing the recommendations would adversely affect aviation safety.

On May 27, 1988, the FAA issued SFAR No. 50–2 revising the procedures for operation of aircraft in the airspace above the GCNP (53 FR 20264). SFAR No. 50–2 established a Special Flight Rules Area (SFRA) from the surface to 14,499 feet above mean sea level (MSL) in the area of the GCNP. The SFAR prohibited flight below a certain altitude in each of five sectors of this area, with certain exceptions. The SFAR established four flight-free zones from the surface to 14,499 feet MSL covering large areas of the park. The SFAR provided for special routes for commercial sightseeing operators. These operators are required to conduct sightseeing operations under either part 121 or part 135 of Title 14 of the Code of Federal Regulations (CFR) as specified in their operations specifications. Finally, SFAR 50–2 contained certain terrain avoidance and communications requirements for flights in the area.

In March 1994, the two agencies jointly issued an advance notice of proposed rulemaking (ANPRM) seeking public comment on policy recommendations addressing the effects of aircraft overflights on national parks, including GCNP (59 FR 12740). The recommendations presented for comment included: (1) Voluntary measures; (2) altitude restrictions; (3) flight-free periods; (4) flight-free zones; (5) allocation of noise equivalencies; and (6) incentives to encourage use of quiet aircraft technology. In response to the ANPRM, the FAA received 644 comments that specifically addressed GCNP.

A second major provision of section 3 of the Overflights Act required the DOI to submit a report to Congress discussing whether SFAR No. 50 “has succeeded in substantially restoring the natural quiet in the park; and such other matters, including possible revisions in the plan, as may be of interest.” The report was to include comments by the FAA “regarding the effect of the plan’s implementation on aircraft safety.” The Overflights Act mandated a number of studies related to the effect of overflights on parks.

On September 12, 1994, the DOI submitted its final report and recommendations to Congress. This report entitled “Report on Effects of Aircraft Overflights on the National Park System,” was published in July 1995. The report recommended numerous revisions to SFAR No. 50–2 in order to substantially restore natural quiet in GCNP. Recommendation No. 10, “Improve SFAR 50–2 to Effect and Maintain the Substantial Restoration of Natural Quiet at Grand Canyon National Park,” is of particular interest to this rulemaking. This recommendation incorporated the following general concepts: (1) Simplification of the commercial sightseeing route structure; (2) expansion of flight-free zones; (3) accommodation of the forecast growth in the air tour industry; (4) phased-in use of quieter aircraft technology; (5) temporal restrictions (“flight-free” time periods); (6) use of the full range of methods and tools for problem solving; and (7) institution of changes in approaches to park management, including the establishment of an acoustic monitoring program by the NPS in coordination with the FAA. On June 15, 1995, the FAA published a final rule that extended the provisions of SFAR No. 50–2 to June 15, 1997 (60 FR 31608).¹ This action allowed the FAA

sufficient time to review the NPS recommendations and to initiate and complete appropriate rulemaking action.

President’s Memorandum

The President, on April 22, 1996, issued a Memorandum for the Heads of Executive Departments and Agencies to address the significant impacts on visitor experience in national parks. Specifically, the President directed the Secretary of Transportation to issue proposed regulations for GCNP that would appropriately limit sightseeing aircraft to reduce the noise immediately and to further restore natural quiet, as defined by the Secretary of the Interior, while maintaining aviation safety in accordance with the Overflights Act.

Regulations

On July 31, 1996, the FAA published an NPRM (61 FR 40120; Notice 96–11) to reduce the impact of aircraft noise on GCNP and to assist the NPS in achieving its statutory mandate imposed by the Overflights Act to provide for the substantial restoration of natural quiet and experience in GCNP. A final rule was issued on December 31, 1996 (61 FR 69302) to amend 14 CFR part 93 with a new subpart U (sections 93.301 to 93.317). The amendment adopted the following: (1) Modification of the dimensions of the GCNP SFRA; (2) establishment of new flight-free zones and flight corridors, as well as modification of existing flight-free zones and flight corridors; (3) establishment of flight-free periods (curfews) in the Dragon and Zuni Point Corridors; and (4) establishment of reporting requirements for commercial sightseeing companies operating in the SFRA. This final rule also placed a temporary limit on the number of aircraft that could be used for commercial sightseeing operations in the GCNP SFRA. These provisions were to become effective on May 1, 1997. Only the reporting requirements, and aircraft cap were actually implemented. Implementation of the remaining provisions had been delayed.

Additionally, on December 31, 1996, the FAA published an NPRM on Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park (61 FR 69334; Notice 96–15), and a Notice of Availability of Proposed Commercial Air Tour Routes in the **Federal Register** (61 FR 69356). These two documents were part of an overall strategy to reduce further the impact of aircraft noise on the park environment

¹ The provisions of SFAR No. 50–2 have been extended numerous times (60 FR 31608, 62 FR 8862; 62 FR 66248; 63 FR 67544; 64 FR 5152; 65

FR 5395) with the last extension in January 2001 (66 FR 1002).