

the dimensions of the GCNP SFRA (64 FR 37296; Notice 99–11); the other (64 FR 37304; Notice 99–12) to limit the number of commercial air tours that could be conducted in the GCNP SFRA and to revise the reporting requirements for commercial air tours in the SFRA. A final rule on the latter proposal was published on April 4, 2000 (65 FR 17708). The rule temporarily limits commercial air tours in the SFRA at the level reported to the FAA by the operators for the year May 1, 1997–April 30, 1998 (the base year), pending implementation of the comprehensive noise management plan. During the implementation of the commercial air tour limitation, the FAA and the NPS will collect further information regarding commercial SFRA operations and aircraft noise in GCNP. The NPS and the FAA will use the information collected during this time to determine whether the “substantial restoration of natural quiet” had been achieved at GCNP. In the event that the agencies determine that the statutory goal is not met through the various noise mitigation techniques adopted, the FAA and NPS will need to take further steps to achieve the substantial restoration of natural quiet. The commercial air tour limitation replaced the aircraft cap set forth in § 93.316(b).

On April 4, 2000, the FAA also published a final rule (65 FR 17736) again modifying the airspace in the SFRA. This rule went into effect on April 19, 2001.³

The National Parks Air Tour Management Act of 2000

The National Parks Air Tour Management Act of 2000 (the Air Tour Act) was enacted on April 5, 2000, as Title VIII of Public Law 106–181 (Pub. L. 106–181). The Air Tour Act applies to “commercial air tour operations” occurring over a unit of the national park, or within ½ mile outside the boundary of any national park, or tribal lands within or abutting a national park. Section 804 of the Air Tour Act states that “within 12 months after the date of its enactment [April 5, 2000], the Administrator shall designate reasonably achievable requirements for fixed-wing and helicopter aircraft necessary for such aircraft to be considered as employing quiet aircraft technology for purposes of this section.” If the Administrator determines that it is not possible to make such designation before April 5, 2001, the Administrator

shall transmit to Congress a report on the reasons for not meeting such time period and the expected date of such designation. Additionally, Congress mandated that once such a designation had been made, those commercial air tour operators who employ quiet aircraft technology shall not be subject to the commercial air tour operations flight allocations at GCNP, “* * * provided that the cumulative impact of such operations does not increase noise at Grand Canyon.” Finally, the Air Tour Act also directs that the Administrator, in consultation with the Director and the advisory group, shall establish, by rule, routes or corridors for commercial air tour operations by fixed-wing or helicopter aircraft that employ quiet aircraft technology at Grand Canyon National Park, “* * * provided that such routes or corridors can be located in areas that will not negatively impact the substantial restoration of natural quiet, tribal lands, or safety.”

National Parks Overflights Advisory Group (NPOAG)

On March 12, 2001, the NPS and FAA in accordance with the Air Tour Act, invited persons interested in participating on the NPOAG to send a letter to the FAA by April 2, 2001 (66 FR 14429). The NPOAG membership was announced on June 19, 2001 (66 FR 32974).

In accordance with the Air Tour Act, the advisory group will provide advice, information, and recommendations to the Administrator and the Director—

(1) On the implementation of this title [the Air Tour Act] and the amendments made by this title;

(2) On commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) On other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) At the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.

The Air Tour Act also requires FAA to consult with the advisory group and the NPS on the establishment of routes or corridors for commercial air tour operations by fixed-wing and helicopter aircraft that employ quiet aircraft technology for—

(1) Tours of the Grand Canyon originating in Clark County, Nevada; and

(2) ‘Local loop’ tours originating at the Grand Canyon National Park Airport, in Tusayan, Arizona.

GCNP Aircraft Noise Model Validation Study

The noise modeling used in all of the GCNP environmental documents to date, remains the best science currently available and produces results consistent with available data. However, as noise modeling is a constantly evolving technology, both agencies are committed to making appropriate adjustments to the approaches and methodologies as new knowledge or science becomes available. In 1999, the NPS and the FAA jointly funded a noise model validation study to determine the degree of accuracy and precision of existing computer models. This study compares the existing candidate models for assessing air tour noise exposure with noise measurements taken in GCNP.⁴ The ongoing noise model validation effort is part of the FAA and NPS commitment to work cooperatively to meet the mandated goal of a substantial restoration of natural quiet in GCNP. The final results of this project, when they become available, could have an effect on both the determination of substantial restoration of natural quiet already achieved and the evaluation of alternative means of implementing quiet technology.

As part of the Noise Model Validation Study efforts, the agencies jointly formed the Technical Review Committee (TRC) to review and comment on various technical issues that may arise related to the measurement, quantification and analysis of soundscapes. The TRC is composed of eight acoustics and statistical experts from academia, private companies, and government agencies.

Environmental Review

In accordance with FAA Order 1050.1D, Appendix 4, Paragraph 4.j, the FAA has determined that this proposed rulemaking is categorically excluded from environmental review. The proposed rulemaking establishes quiet

⁴ The candidate models being validated are:

1. The FAA’s Integrated Noise Model, which has been modified to address air tour aircraft noise exposure in GCNP and is referred to as the GCNP Integrated Noise Model (GCINM).

2. The National Park Service Overflight Decision Support System (NODSS) designed and programmed specifically for park applications to consider audibility, significant changes in terrain elevation, and shielding due to terrain.

3. NOISEMAP Simulation Model (NMSIM) developed by the U.S. Air Force and the National Aeronautics and Space Administration (NASA) to simulate aircraft single event noise levels.

³ The effective date for the airspace modification rule was delayed by subsequent amendments (65 FR 69846; 66 FR 1002; 66 FR 16582) until becoming effective on April 19, 2001.