

technology designations for air tour aircraft operating in GCNP. It does not impose a phase-out or any alteration of any air tour operator's fleet of aircraft. In addition, the proposed rulemaking does not lift the operations limitation, alter any flight corridors through the Park, or make any change to the SFRA. Finally, the FAA notes that this proposed rulemaking has no impact on substantial restoration of natural quiet at GCNP and environmental and economic impacts will depend upon other future incentives yet to be defined. Accordingly, this proposed rulemaking will not individually or cumulatively have a significant effect on the human environment.

Consultation With Affected Indian Tribes

Six Native American communities represented by eight separate tribal governments have ancestral ties to the Grand Canyon. Three of these communities have reservations that border the GCNP, the Navajo Nation to the east, and the Havasupai and Hualapai Tribes to the south. The Department of Transportation (DOT), FAA, DOI, NPS, Advisory Council on Historic Preservation (ACHP), Bureau of Indian Affairs (BIA), and Arizona State Historic Preservation Officer (SHPO) have consulted with these tribes, on a Government-to-Government basis, according to the provisions of the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and the Council on Environmental Quality regulations and other applicable laws and Executive Orders.

In accordance with section 106 of the NHPA, the FAA issued a Determination of No Adverse Effect to the Traditional Cultural Properties (TCPs) for all of the tribes and/or nations, except the Hualapai Tribe, for the April 2000, rulemaking actions associated with the SFRA in the vicinity of the GCNP. As to the Hualapai Tribe, the FAA along with the NPS, the Advisory Council on Historic Preservation, the Hualapai Tribal Historic Preservation Officer (THPO) and the Hualapai Department of Cultural Resources signed a Programmatic Agreement on January 24, 2000, related to section 106 compliance and their TCPs.

Due to new safety concerns raised by the Air Tour Operators related to the route and airspace modifications on the East End of the SFRA, only those modifications from west of the Dragon Corridor were implemented on April 19, 2001. In accordance with section 106 of the NHPA, if modifications are proposed for the East End commercial

air tour routes and airspace to address the new safety concerns, the Navajo Nation and the other interested Native American tribes, specifically the Hopi Tribe and Pueblo of Zuni will be notified.

Public Input

The FAA has reexamined the Noise Limitations NPRM in light of the direction provided in section 804 of the Air Tour Act. The mandate requires the Administrator to designate reasonably achievable requirements for airplanes and helicopters necessary for such aircraft to be considered as employing quiet aircraft technology for purposes of this section of the Act. The proposed quiet technology designations require air tour aircraft to be categorized according to each aircraft's noise efficiency. The eventual goal is to assist the NPS in achieving its statutory mandate imposed by Pub. L. 100-91 to provide for the substantial restoration of natural quiet and experience in the GCNP. This proposed rulemaking is related to and consistent with other rulemaking actions being implemented by the FAA concerning the GCNP.

In addition, the SNPRM does not propose to implement the provision of the National Parks Air Tour Management Act of 2000 that would permit lifting the cap on commercial air tour operations in the Park. The implementation of any quiet technology incentive flight corridors and the removal of operations limitation for quiet technology aircraft will be the subject of future rulemaking as the FAA, in consultation with the NPS, works with an advisory group composed of representatives of general aviation, commercial air tour operations, environmental concerns, and Indian Tribes.

The SNPRM also disposes of the comments that were received in response to the Noise Limitations NPRM (61 FR 69334). That NPRM proposed to establish noise limitations for certain aircraft operated in the vicinity of GCNP. The Noise Limitations NPRM had three parts: (1) Establish incentive flight corridor through the National Canyon; (2) categorize aircraft by noise efficiency; and (3) remove the aircraft cap for the most noise efficient aircraft.

Interested persons were invited to participate in the rulemaking action by submitting written data, views, or comments. The comment period for the NPRM closed March 31, 1997. The comment period for the draft Environmental Assessment also closed on March 31, 1997. In response to the NPRM the FAA received 107 comments. All comments received were considered

before issuing this SNPRM. An analysis of the comments not previously addressed in other rulemakings is provided below. The FAA responses take into account related Federal actions since 1996.

Commenters include air tour operators and their representatives, environmental groups, sightseeing organizations, Native American tribes, pilots and pilot associations, and individuals. Most commenters do not support some or all aspects of the proposal. Generally, air tour operators who do not currently operate quiet aircraft are against a phase-out of noisier aircraft as proposed in 1996; one Native American tribe was against the proposal in the Noise Limitations NPRM to reintroduce a flight route through the National Canyon; while environmental organizations argue that by itself the Noise Limitations NPRM would not adequately restore the natural quiet to GCNP.

1. General Comments on Proposal

The FAA received a number of general comments on the NPRM, including comments related to statutory issues, procedural complaints, and environmental concerns. Eagle Canyon Airlines (Eagle) (54), Vision Air (Vision) (61), and King Airlines, Inc. (King) (56) state that the Noise Limitations NPRM failed to identify the basis for the FAA's statutory authority for the proposed rulemaking.

These commenters state that the Overflights Act gave the FAA the legal authority to issue SFAR 50, but not to take further action beyond that. These commenters also state that the FAA's reliance on its general authority, as stated in the FAA Act, for the Noise Limitations NPRM is misplaced. The FAA Act of 1958 does not give the FAA authority to protect "environmental values" or to promulgate a noise management plan, according to these commenters.

The Helicopter Association International (HAI) (63) states that the proposals are arbitrary and capricious because unbiased data demonstrate that natural quiet has been restored at GCNP and air tour aircraft currently operating at GCNP are fully certificated by the FAA and in compliance with all applicable FAA safety and operating regulations.

The General Aviation Manufacturers Association (GAMA) (64) states that the NPRM does not contain the necessary scientific data or substantiation to prove that the proposal will accomplish its goal. GAMA believes that basing a rulemaking on a broad and indefinite range of terms and objectives, such as