

“interference” or “annoyance” of visitors and “substantial restoration of natural quiet,” is subjective and arbitrary. GAMA fears that introducing noise limitations and forced attrition for aircraft presently operating in the vicinity of GCNP could be the beginning of a process that could progressively tear down the entire U.S. aviation system. GAMA believes that, if FAA’s strategy were applied to the vast holding of federal lands, federal parks, state lands and state parks, it would severely impact the use of general aviation aircraft and some commercial airliners as well.

Twin Otter (45) believes that quiet technology is the solution to the problem of achieving substantial restoration of natural quiet to the GCNP. However, the alternative, caps, curfews, and more limitations on how air tours can be conducted, is totally unacceptable.

Lake Mead Air (26, 53) suggests that protecting the park experience from noise will be more effectively accomplished by routing traffic away from the park visitors than by use of quiet technology and altitude.

Clark County Department of Aviation and the Las Vegas Convention and Visitors Authority (Clark County) (62) believe that the piecemeal nature of the FAA’s Grand Canyon rulemaking makes it impossible for the public to meaningfully comment on the proposals. Clark County suggests that the FAA propose its entire Grand Canyon strategy—flight-free zones, tour routes, quiet aircraft requirements, and other measures—as one package, so that the public can determine the overall program.

The United States Air Tour Association (USATA) (60) states that all of the various regulatory actions being implemented by the FAA should be combined into a single rulemaking effort to ensure that all the relevant issues are addressed as an integrated whole.

Bell Helicopter Textron (91) and the Professional Helicopter Pilots Association (85) believe that there are substantial issues in controversy in this proposal, which should necessitate the use of negotiated rulemaking by means of the Aviation Rulemaking Advisory Committee (ARAC) process.

The Sierra Club, Angeles and Grand Canyon Chapters (38, 75, 76), opposes the permissive growth of the air tour industry in the GCNP. The level of flight operations should be reduced to the 1975 levels.

The Sierra Club, Grand Canyon Chapter, believes that the Noise Limitations NPRM can be part of an acceptable plan, but would not by itself

substantially restore natural quiet at GCNP. The proposal would not bring GCNP into compliance with the Overflights Act, nor would it bring the park into compliance with the management objectives of the GCNP General Management Plan. Furthermore, the proposal would not implement the actions directed by President Clinton in his Earth Day memorandum (April 1996). The Overflights Act directs the FAA to implement the recommendations of the NPS, revised only for safety. The FAA has ignored the law in this regard and continues to promote the air tour industry.

FAA Response

The Overflights Act charged the FAA, in concert with the DOI, to enact rulemaking and take what action is necessary to substantially restore the natural quiet and experience of our national parks, and to protect the public health and safety from adverse effects associated with overflights. This mandate granted the FAA with the necessary authority to promulgate any rule recommended by the NPS to effect the substantial restoration of the natural quiet and experience provided the FAA did not have any safety concerns. The practical effect of this second requirement is to ensure safe overflight of the GCNP by air tour aircraft.

With the enactment of the Air Tour Act, the FAA has the authority to “preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on public and tribal lands.” See section 802 of the Act. Thus, it is clear that the FAA has the authority to promulgate these rules. Additionally, in accordance with the Air Tour Act, the FAA has established the NPOAG to provide advice and counsel on the implementation of quiet aircraft technology at GCNP.

The FAA notes that in order to accomplish the goal of substantial restoration of natural quiet, it is necessary to proceed with different types of regulations: (1) Those rules restricting airspace and limiting where air tour flights may go; (2) those rules limiting the number of air tours; and (3) those rules limiting the noise generated by air tour aircraft. It is for this reason that the FAA has adopted rules to enhance flight-free zones, modify the route structure, and limit the number of air tours in GCNP.

2. Natural Quiet

A number of commenters address the question of whether the proposals would contribute to the substantial restoration of natural quiet in the GCNP.

Grand Canyon Trust (Trust) (72) makes the following general observations:

(1) Whatever regulatory scheme is ultimately implemented, that scheme must comply with the Overflights Act, and NPS, not the FAA, must determine whether and when natural quiet is substantially restored.

(2) The FAA must implement rules that immediately restore natural quiet to the canyon.

(3) The proposed rule must be substantially revised and strengthened because it will permit an immediate degradation of natural quiet.

(4) Any revisions to the proposed rule will have to include an immediate conversion to the quietest aircraft and a cap on the number of tour operators at well below the 1987 level.

The Sierra Club, Grand Canyon Chapter (76), states that the detectability level for defining natural quiet should be less than 5, rather than 17, which is used by NPS. The higher criterion shows an unrealistic prevalence of natural quiet. Furthermore, the definition of “substantial restoration of natural quiet” is flawed. A more appropriate definition would require natural quiet all of the time in most of the park, and would require natural quiet most of the day in the rest of the park. Congress mandated action to restore natural quiet and to reduce negative impact from aircraft. The FAA and NPS policy of ignoring the effects of all aircraft except tour aircraft is inappropriate.

HAI (63) states that banning some aircraft is not necessary to achieve “restoration of natural quiet” in GCNP, even when natural quiet is measured in the terms used by the NPS. HAI points out that the FAA’s Draft Environmental Assessment (DEA), which accompanied the Noise Limitations NPRM, states that natural quiet at GCNP is within one percent of the NPS’s goals without the imposition of any aircraft ban. HAI also believes that, in estimating aircraft operational and performance data, the FAA used inaccurate data and incorrect assumptions, thereby substantially overestimating the sound generated by the aircraft used in tour operations at GCNP. HAI further states that the FAA substantially underestimated the degree to which natural quiet has been restored under SFAR 50–2, and that, if the impact of aircraft overflight sound is measured in terms of visitor experience at GCNP, the data demonstrate that natural quiet has been restored to the Park. HAI believes that the FAA’s aircraft sound prediction model substantially underestimates ground attenuation effects and that FAA