

estimates of ambient sound at GCNP are unrealistically low.

Bell Helicopter Textron (91) states that the ambient noise projections assigned to different areas of the Park are unrealistically low. This has the resultant effect of greatly overstating how long the aircraft's sound is detectable. Equally as damaging as this unrealistic projection is the assumption that there is no lateral attenuation of aircraft sound in the Grand Canyon. Such false assumptions understate the substantial restoration of natural quiet that currently exists in the GCNP.

Clark County (62) comments that the FAA has provided no adequate basis to demonstrate the reasonableness of the defined "natural quiet" goal. Further, the FAA's "time audible" metric does not reasonably measure natural quiet. Clark County also states that the models used to estimate aircraft audibility have not been adequately explained and may overstate the extent to which aircraft can be heard.

FAA Response

Since the issuance of the Noise Limitations NPRM, the NPS published a public notice of agency policy (64 FR 3969) titled Evaluation Methodology for Air Tour Operations Over Grand Canyon National Park. Comments to this notice were solicited and addressed by NPS. The policy refined the NPS' noise evaluation (*i.e.*, impact assessment) methodology for air tour operations over GCNP. Specifically, the refinements included a two-zone system for assessing impacts related to substantial restoration of natural quiet at GCNP.

The ongoing noise model validation effort is also part of the FAA and NPS commitment to work cooperatively to meet the mandated goal of substantial restoration of natural quiet in GCNP. The noise modeling used in all of the GCNP environmental documents to date, is the best science currently available. 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.

With regard to the ambient noise database and the lateral attenuation calculation, the GCNP aircraft noise model validation project will address these facets. All existing evidence, including field measurements, support both the choice of an ambient noise level data file for the Park and the decision to suppress INM's lateral attenuation algorithm for GCNP noise modeling. In accordance with the Air Tour Act, the implementation of quiet

technology is part of the Advisory Group consultative process. The FAA and NPS recognize that conversion to quiet technology aircraft in the GCNP will not likely result in achieving complete substantial restoration of natural quiet at GCNP.

3. Native American Tribal Concerns

The Hualapai Tribe (52) states that it supports the use of quiet technology and generally supports the NPRM with the following exceptions: (1) The FAA has failed to consult with the Hualapai Tribe on a government-to-government basis as required by federal law; (2) the multiple rulemakings published by the FAA on the GCNP make the comment process more cumbersome, more expensive, and obscures the cumulative impact of the respective parts of the rulemakings; (3) there has been a double standard with respect to testing noise impact since no on-the-ground noise testing and modeling has been undertaken with respect to the Hualapai Reservation, in collaboration with the Tribe; (4) the FAA needs to look at alternatives to quiet technology such as location of air tour routes and caps; (5) there need to be "Tribal Flight Free Zones" to protect cultural resources and practices, natural resources, and tourism industry, as well as limitations on the number of NPS flights over the Hualapai Reservation; (6) the FAA should delegate to, or share with, the Hualapai Tribe oversight authority to make sure that the quiet technology rules are being complied with over the Reservation; and (7) there should be an exemption from quiet technology requirements for tribal administrative flights, analogous to the NPS exemption, to avoid burdening the Tribe's sovereign authority to run its own government and administer its lands.

FAA Response

The FAA has been consulting with the Hualapai in accordance with the provisions of the President's April 24, 1994, memorandum on Government-to-Government Consultation with Native American Tribes, and section 106 of the NHPA. The FAA has had numerous meetings with representatives of the Tribe's natural resources and cultural resource agencies since 1996. Additionally, the Hualapai have been part of the FAA and the NPS ongoing discussions with the other individual tribes. The Hualapai have also commented on several issues that have been addressed in previous rulemakings and were a cooperating agency on the February 2000 Final Supplemental Environmental Assessment (FSEA). The FAA responded to Hualapai comments

similar to those noted above in the 2000 FSEA. *See* Appendix G of the FSEA.

The FAA has moved forward to implement recommendations from the NPS after completing a safety review of the NPS recommendations. This is consistent with the provisions of the Overflights Act. In each rulemaking the FAA attempts to outline the rulemaking history and economic impact. Some of these recommendations that have been finalized in the last two years are consistent with the Hualapai's comments on revising air tour routes and adopting limitations on the number of air tours in GCNP. *See* 65 FR 17708 and 65 FR 17736.

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 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 THPO, and the Hualapai Department of Cultural Resources signed a Programmatic Agreement on January 24, 2000 related to section 106 compliance and their TCPs. The FAA notes that the United States generally supports leaving the skies open to aviation, with exceptions primarily for safety and security reasons. Flight-free zones were created in GCNP to help NPS achieve substantial restoration of natural quiet, pursuant to the mandates of the Overflights Act.

The FAA notes that the sole purpose of this rule is to define quiet technology. This rule contains no specific requirements for operators to convert to quiet aircraft. Thus, the question of which entities are responsible for oversight of this rule is not relevant.

In response to the request for an exemption to conduct administrative flights, the FAA reiterates that this and other rulemakings affect only flights satisfying the definition of a commercial air tour operation contained in 14 CFR 93.303. Moreover, this rule does not phase out aircraft that are not designated as quiet technology.

4. Classification of Aircraft by Noise Characteristics

A number of commenters address the issues related to classification based on aircraft certification, as well as the three categories of aircraft classification contained in the Noise Limitations NPRM.

Lake Mead Air (26, 53) believes that the standard for quiet aircraft should not be linked to the Aircraft Noise