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Priority: Normal
Subject: Docket No. FAA-99-5927 and FAA-99-5926

OFFICE OF THE
CHIEF COUNSEL
RULES DOCKET
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I am unable to attend either of the meetings to be held on Tuesday, August 17, 1999, beginning at 9:00 a.m. in the Cline Library Assembly Hall (Building 28) on the campus of Northern Arizona University and on Thursday, August 19, 1999, beginning at 9:00 a.m. in the Frank and Esteila Beam Hall on the campus of the University of Nevada at Las Vegas regarding two notices of proposed rulemaking (NPRMs) that were published in the Federal Register on July 9, 1999. Those notices are: Modifications of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones, and Commercial Air Tour Limitation in the Grand Canyon National Park Special Flight Rules Area. The purpose of these meetings is to provide an additional opportunity for the public to comment on the proposals. The notice of meetings said that comments may also be submitted electronically to the Rules Docket by using the following Internet address: 9-NPRM-CMTS@faa.gov. Comments must be marked Docket No. FAA-99-5927 (Commercial Air Tour Limitation in the Grand Canyon National Park Special Flight Rules Area) or FAA-99-5926 (Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones), as appropriate to the NPRM. Comments on both NPRMs should reference both docket numbers.

This is my comment on the above referenced NPRMs:

Special Federal Aviation Regulation 50-2 currently in effect is more restrictive than required in the interests of aviation safety and of maintaining the Grand Canyon National Park's assets. The focus has been on complaints rather than on satisfied visitors. Restrictions on both allowable overflight areas and commercial tours should be loosened, not tightened, to best serve the majority of the Park's owners, the American people. The process regarding overflights at Grand Canyon National Park has been slanted from the beginning toward outlawing all aircraft at the Park. It is part of a larger attempt to outlaw aircraft over all federally controlled lands. We need to share America's assets, not take enjoyment away from some people for the selfish advantage of others.

The National Park Service contends that people flying over Grand Canyon are Park visitors. Yet when Harris Miller Miller and Hanson Inc conducted the Visitors Survey in June 1994 for the National Park Service Aircraft Management Studies, they did not poll aerial visitors. They disenfranchised thousands, visitors who had already "voted with their Visa cards" in favor of air tours. If those visitors had been included in the survey, the outcome would have been quite different.

Legislators across the country are responding to-self-professed environmental groups, many of which are actually one or two people with a word processor, which use the slanted data and the airspace example from the Grand Canyon as justification for further attacks on aviation over other Federally-managed lands. Some want to introduce Federally-

sanctioned discrimination by requiring a minimum of 5000 feet above ground level for flights over Indian religious ceremonies, although there is no such rule either effective or proposed for other religious groups of any other ancestry. Others go so far as proposing aircraft restrictions over mining, forestry, and ranching lands which have roads and ongoing commercial endeavors. Prejudice against aircraft operators has already resulted, for example, in the Decision Notice and Finding of No Significant Impact for an Amendment to the Coconino National Forest Plan for the Sedona Area (Amendment 12) including an airspace management plan proposal to restrict overflights of roaded rural areas to a minimum altitude of 2000 feet above ground.

What is the true magnitude of the complaints at the Grand Canyon? The Report to Congress on Effect of Overflights on Visitor Enjoyment, published by the National Park Service in 1994, said in paragraph 6.5 that only 2 to 3 percent of all visitors report having their enjoyment interfered with, being annoyed, or having their appreciation of natural quiet interfered with by the sound of aircraft. This is hardly a damning indictment of aircraft "noise". Only 2 to 3 percent of "all" visitors, but visitors using aircraft were not even polled! Only 2 to 3 percent, and the study was biased against aircraft users.

The validity of the entire survey is seriously in doubt when its Table 3.15 shows nine percent of respondents indicated that emergency services flights were not appropriate within sight or hearing of Park visitors. Table 3.18 showed 13 percent of visitors said even a couple of emergency flights during an eight-hour visit made a difference in the quality of their visit. Visible or audible, not 95 decibels or 55 decibels or even 20 decibels, just see it or hear it. One cannot help but believe that the response might have been different had the questioner asked, "Would you rather see and hear an emergency services aircraft, or cradle a bleeding handicapped child in your arms while she died?" Or if the visitors polled had needed rescue themselves.

So can we trust any of the other polling data, other than the overall numbers and descriptions of people polled? I don't. Trust the individuals who spent real out-of-pocket money for a ticket, distrust the information gathered when people hired because 2 to 3 percent of the people, people with a political agenda, want to ask questions which yield irrational answers.

There is no doubt that some who visit the Grand Canyon and other areas of public land would like to have absolute absence of man-made sounds during their visit. Except for their own sounds, of course. And that is the crux of this entire noise-sensitivity argument, the refusal of the minority to accept the presence of others who choose to enjoy the Park differently than they do. Others have more tolerant ways of enjoying the Park. There is already absence of aircraft sound at the Grand Canyon half the time, since no tours are flown at night. More than half the pie, yet the 2 to 3 percent remain hungry.

They need to learn to share.

A much more sensible approach than the huge bureaucracy proposed in the NPRM is a simple ban on all motorized Park usage except emergency vehicles for a percentage of the available time. Some may argue this is not practical, they have a need to use their mechanized transport as they choose. So does aviation. If one group is required to sacrifice, it is fair to require all to make the same sacrifice. Closing all the airspace, all the roads, all the river runners, all the trains, ALL motorized Park usage one day per week and during hours of darkness will mean mechanized

use less than half the time. Thus the 2 to 3 percent of the people who are complaining will have almost 60 percent of the time with natural quiet.

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That is way past equitable sharing by the rational 97 percent of us citizens. Enough is enough.

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