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September 7, 1999

U.S. Department of Transportation Dockets
Docket Nos. FAA-99-5926, FAA-99-5927
400 Seventh Street SW.
Room Plaza 401
Washington, DC 20590

FAA-99-5926-40
FAA-99-5927-39

Hand Delivery: Alberta Brown, FAA; Bill Marx, FAA

Re: *“Commercial Air Tour Limitation in the Grand Canyon National Park Special Flight Rules Area,” Docket No. FAA-99-5927, Notice No. 99-12, 64 Fed. Reg. 37303 (July 9, 1999);*
“Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones; Proposed Rule,” Docket No. FAA-99-5926, Notice No. 99-11, 64 Fed. Reg. 37295 (July 9, 1999);
“Notice of availability on routes in Grand Canyon National Park; comment request,” 64 Fed. Reg. 37191 (July 9, 1999);
“Notice of Availability of the Draft Supplemental Environmental Assessment for the Proposed Actions Relating to the Grand Canyon National Park and Public Comment,” 64 Fed. Reg. 37192 (July 9, 1999).

Dear Madam Administrator:

Helicopter Association International (HAI) submits this comment in opposition to the proposed new restrictions on air tours of Grand Canyon National Park (GCNP) announced in the above-referenced notices published in the *Federal Register* on July 9, 1999. These new restrictions would cripple the air tour industry at GCNP, a result that cannot be tolerated in light of the fact that “natural quiet,” as defined by the National Park Service (NPS), has been restored to GCNP under Special Flight Regulation (SFAR 50-2). The conclusion that “natural quiet” has been restored to GCNP has been scientifically peer reviewed and validated; these proposals for further severe restrictions are based on demonstrably bad data supplied by NPS, demonstrably flawed assumptions made by NPS, and demonstrably inadequate analysis performed by NPS. The Federal Aviation Administration (FAA) would compromise its integrity by imposing these draconian restraints on such inadequate bases.

HAI is a non-profit, professional trade association of over 1,400 member organizations. Since 1948, HAI has been dedicated to promoting the helicopter as a safe and efficient method of transportation, and to the advancement of the civil helicopter industry. HAI is proud to count among its members most of the professional helicopter tour operators in the United States,

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including the operators of helicopter air tours of GCNP originating from both Grand Canyon Airport and Las Vegas. Further, HA1 stands in full support of the operators of airplane air tours of GCNP, who each year provide thousands of Americans and thousands of international visitors precious opportunities to view the Grand Canyon by air.

Visitation of the Grand Canyon by air is uniquely ecologically friendly. Air tour visitors start no fires, leave behind no waste or trash, disturb no plants or soil, introduce no alien species, remove or deface no artifacts. More completely and more certainly than any other type of visitor, air tour visitors look but do not touch. Efforts to further restrict air touring of GCNP are fundamentally misguided from an environmental perspective. As the many scientists, technicians, academicians, politicians, statesmen, and working men and women who have examined these issues thoughtfully have concluded, the current proposed restrictions will be destructive of the environment and the economy, have no basis in fact, and should be withdrawn.

1. The Proposed New Restrictions Are Not Necessary.

John Alberti, an experienced aeronautical acoustician, has shown – using the NPS's own data and professionally-recognized, reproducible analyses – that "natural quiet," as defined by the NPS, has been fully restored under SFAR 50-2. Mr. Alberti's analysis and conclusions have been reviewed and confirmed by Dr. Krishan Ahuja, an aeroacoustician of international repute. Mr. Alberti has submitted comments to this docket outlining his analyses and conclusions. HA1 adopts Mr. Alberti's comments and incorporates these in full here by reference.

Mr. Alberti's work and Dr. Ahuja's confirmation of it have provoked two congressional hearings examining the role of the NPS in biasing earlier research that erroneously reached contrary conclusions. As a result of these congressional inquiries, NPS plans to embark this month – September, 1999 – on a "model validation study" at GCNP.

On August 18, 1999, HA1 participated in a briefing by Nicholas P. Miller, President of Harris Miller Miller & Hanson, Inc. (HMMH), at the Albright Training Center at GCNP. HMMH is an acoustics consulting firm under contract to the NPS to provide services at GCNP. Mr. Miller's briefing concerned the planned empirical study intended to verify predictions, made by certain software programs, of aircraft overflight sound volume and distribution at GCNP. In essence, NPS and HMMH propose to use trained human observers and high quality recording equipment to measure environmental variables and aircraft overflight sound at approximately 16 sites near air tour corridors at GCNP, and subsequently to correlate these observations with the predictions made by the FAA's Integrated Noise Model (INM), NPS's National Park Service

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Overflight Decision Support System (NODSS), and a program called NOISEMAP Simulation (NMSIM).

Both HA1 and the Sierra Club have asked to participate in the data collection phase of this research, to monitor its fairness, thoroughness and objectivity. In addition, both organizations have asked NPS to make the resulting data, and the proprietary elements of any computer modeling software such as NODSS, available for independent analysis. If these requests are granted, the forthcoming model validation study may represent the first reliable, objective, reproducible, peer reviewed research conducted by NPS on the subject of aircraft overflight of Grand Canyon.

Under the circumstances, it is incomprehensible that FAA would move forward with the proposed new, harsh restrictions on GCNP air tours until the forthcoming research work is complete.

Moreover, the proposed model validation study will not address the far more important issue of aircraft overflight sound impacts at GCNP. Regardless of the volume or distribution of sound predicted by the various software models or recorded by HMMH's trained observers, overflight sound has no significance from a public policy perspective unless it intrudes upon the environment in some way. Overflight sound cannot intrude on the environment if it is "drowned out" by local environmental "background noise," the ambient sound in the Park. NPS has proposed to restrict aircraft overflight of the Park to that which is no louder than 8 dB below ambient levels. Reserving all technical and public policy arguments against this approach, it remains clear that actual ambient sound levels in various locations throughout the Park are critically important in determining where aircraft may operate. HA1 strongly urges NPS and FAA to undertake a rigorous, peer-reviewed, publicly-observed study of ambient sound levels, particularly in the areas of GCNP designated as "Zone Two" by the NPS in its notice of July 14, 1999, "Change in Noise Evaluation Methodology for Air Tour Operations Over Grand Canyon National Park," 64 Fed. Reg. 38006 (July 14, 1999); see also 64 Fed. Reg. 3969 (January 26, 1999), before adopting these or any other further restrictions on aircraft overflight at GCNP.

Mr. Alberti's conclusion – that NPS's own data demonstrate that "natural quiet," as defined by the NPS, is restored to GCNP under SFAR 50-2 – is consistent with the findings of other independent researchers who have studied this issue over the past decade. In 1988, shortly before implementation of SFAR 50-2, and again in the latter half of 1993, at a time when SFAR 50-2 was fully implemented, Bennett/Cox Consultants conducted a methodologically rigorous and exhaustive study of aircraft overflight sound at GCNP. *Bennett, Ricarda & Charles Cox, "Grand Canyon Comparative Sound Study," (Bennett/Cox Consultants, Thousand Oaks, California, Jan. 31, 1994) (hereinafter "Bennett/Cox").*

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BennettKox Consultants sampled sound throughout GCNP using one-half inch, random incidence Type 1 microphones, microphone windscreens, precision integrating Type 1 sound level meters, and field calibrators. *BennettKox at p. 2*. Sound was sampled at 22 locations throughout the Park, from Navajo Falls and Supai Village in the west to the confluence of the Little Colorado and Colorado Rivers in the east. Sites were selected to represent all four types of experience available to GCNP visitors: Front Country, Back Country, River Corridor, and Corridor Trail. *BennettKox at Map 3*. The sampled sites were located at varying distances from the routes to which air tour operators are confined by application of SFAR 50-2. *Bennett/Cox at Map 4*.

Comparison of the 1988 and 1993 data demonstrates that "68 percent of the 73 most frequented Park sites show a significant reduction in sound impact from air tour helicopters after implementation of SFAR 50-2." *BennettKox at p.4*. For example, at Point Sublime, approximately 1.5 miles from a major helicopter air tour route and 1 mile from the western boundary of the Dragon Corridor—then the principle north-south general aviation and air tour flyway over the Park—SFAR 50-2 reduced peak helicopter sound from 68 dBA to 40 dBA. *BennettKox at Figure 4*. Before SFAR 50-2, most helicopter sound at Point Sublime was 10 to 20 dBA louder than naturally occurring ambient sound at that location; after implementation of SFAR 50-2, most helicopter sound at Point Sublime was several dBA softer than naturally occurring ambient sound at that location. *Id.*

NPS has admitted that, "the Bennett/Cox 1993 aircraft sound levels are entirely consistent with the NPS NPOA Report No. 93-4 levels for Point Sublime, and the NPS acknowledges that SFAR 50-2 has produced significant reductions in aircraft sound levels for this location." *National Park Service, "Report to Congress: Report on Effects of Aircraft Overflights on the National Park System," (Sept. 12, 1994) (hereinafter "NPS Report to Congress")*, at p. 9.11. Nevertheless, NPS impugns the BennettKox study, arguing that Point Sublime is so quiet that standard sound measuring instrumentation cannot accurately measure ambient sound there, and pointing out that "[s]pecial 'low-noise' instruments were acquired and designed and constructed for the NPS measurements." *Id.*

If, scarcely 1 mile from a major helicopter air tour route, GCNP is so quiet that special equipment must be designed and built to record any noise at all, clearly there is no factual basis to support the proposed new restrictions.

BennettKox recorded similarly dramatic results at Hermits Rest, also approximately 1 mile from a major helicopter air tour route. *BennettKox at Figure 3*.

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As the U.S. Forest Service has reported to Congress, "comparing overflights reported by visitors with actual overflights identified by acoustic recorders, it appears that many visitors do not notice aircraft even when they are present." *U.S. Forest Service, Interagency Aircraft Overflight Sound Project, "Report of Forest Service Wilderness Aircraft Overflight Study Sent to Congress," (July 1.5, 1992), at p. OV-3.*

As Mr. Alberti has demonstrated and Congress is now aware, NPS's own studies have substantially overestimated the degree to which aircraft overflights impact the GCNP visitors' experience. Yet even according to the NPS' own data, 97.2% of visitors to the national parks report that aircraft overflight sound did not interfere in any way with their appreciation of natural quiet; 98.1% of park visitors report that aircraft overflight sound did not interfere with their enjoyment of the park, and 98.4% of park visitors reported that they had not been annoyed by the sound of aircraft flying over the park. *NPS Report to Congress at p. 6.5, Table 6.3.*

In conducting its research, the NPS used biasing questions in efforts to actively solicit complaints from park visitors. *NPS Report to Congress at p. 6.1.* When park visitors' complaints are objectively accepted rather than solicited with biasing questions, the number of park visitors who complain regarding aircraft overflight sound is shown to be infinitesimally small. Of the approximately 5,000,000 persons who visit Grand Canyon National Park annually, fewer than 50 spontaneously report having heard aircraft overflight sound, less than 0.001%—one one-thousandth of one percent-of GCNP visitors.

The National Parks Overflight Act, *Pub. L. 100-91, 101 Stat. 674 (Aug. 18, 1987)*, see note following 16 U.S.C. § 1a-1 (hereinafter "Pub. L. 100-91"), directed the NPS to "distinguish between the impacts caused by sightseeing aircraft, military aircraft, commercial aviation, general aviation, and other forms of aircraft which affect" the Park. *Pub. L. 100-91, § 1(b).* To date, NPS has failed to report this information. Although the NPS Report to Congress reports data on the number of parks overflowed by military, sightseeing, commercial and general aviation aircraft and estimates of the total number of such overflights per week, see *NPS Report to Congress at p. 2.5, Figures 2.3 through 2.6*, no data on the sound, if any, attributable to the various classes of overflight are reported. Although some data on aircraft overflight sound by classes of aircraft apparently were gathered by NPS prior to delivery of the NPS Report to Congress on Sept. 12, 1994, see *NPOA Report No. 93-1 (June 23, 1994), at p. 187, Table F-3*, it appears that these data have not been reported to Congress nor made available the public. HAI obtained a copy of NPOA Report No. 93-1 only after filing a Freedom of Information Request with the U.S. Department of the Interior.

NPS has reported that it operates helicopters over certain National Parks at least 242 hours annually, and fixed-wing aircraft an additional 222 hours annually. *NPS Report to Congress at p. 8.3, Figures 8.2, 8.3.* The U.S. Forest Service estimates that its aircraft fly 6,000

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hours annually over Wilderness Areas outside of Alaska in support of forest management objectives such as fire detection and suppression, resource management, and search and rescue. *U.S. Forest Service, Interagency Aircraft Overflight Sound Project, "Report of Forest Service Wilderness Aircraft Overflight Study Sent to Congress," (July 15, 1992), at p. OV-6.* An unknown portion of these flights occur in the airspace over GCNP.

Consistent with the mandate of Congress expressed in Pub. L. 100-91, it is imperative to distinguish between the overflight sound impacts of sightseeing aircraft, military aircraft, commercial aviation, general aviation, and other aircraft that affect the Park. These data are fundamental to the integrity and validity of further restrictions on air tour overflight of GCNP.

Also consistent with Mr. Alberti's analyses and conclusions, earlier reviews of NPS research revealed that NPS's data gathering and interpretation have been systematically biased to exaggerate the sound impact of aircraft overflights at GCNP. This conclusion is further supported by the first person accounts of Jack J. Washington, former manager of the Las Vegas Flight Standards District Office, and Robin T. Harrison, P.E., retired U.S. Forest Service acoustics expert.

Drs. Ronald H. Hinckley and Vincent J. Breglio have reviewed both the NPS's "Grand Canyon Visitor Study" and the NPS' "Acoustic Profiles and Dose-Response Study for Grand Canyon, Haleakala and Hawaii Volcanoes National Parks." Dr. Hinckley, the principal reviewer, served as Director of Research for the U.S. Information Agency, where he managed all international survey research conducted by the U.S. government. In addition, Dr. Hinckley has served as White House director of special studies for crisis management activities, as Vice-President of Decision/Making/Information, and is co-founder of Decima Research, Ltd., of Toronto, one of Canada's leading corporate public opinion research firms. Dr. Hinckley is the author of "People, Polls, and Policymakers: American Public Opinion and National Security" (Lexington Books, 1992), as well as numerous articles on public opinion research published in professional journals.

Dr. Vincent J. Breglio is president and co-founder of RSM Inc., a research consulting firm. He has served as public opinion survey consultant to the *Wall Street Journal* and *NBC News*, among other clients.

Drs. Hinckley and Breglio's analysis of the NPS studies is reported in Hinckley, Dr. Ronald H., & Dr. Vincent J. Breglio, "Making a Mountain out of a Canyon: Exaggerating the Grand Canyon Visitor Survey and Dose-Response Study," (RSM, Inc., Lanham, MD, March 4, 1994) (hereinafter "Hinckley/Breglio Report").

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Drs. Hinckley and Breglio note that, in their original reports, NPS researchers confessed that, because of methodological limitations including the fact that "data collection sites and times were in no way random," the NPS' study results cannot be said to represent the opinions or impressions of Grand Canyon visitors as a whole. *Hinckley/Breglio Report at p. 3*. Due to fundamental methodological flaws, the NPS studies shed no light at all on the impact of aircraft overflight sound on Grand Canyon visitors' experiences of "natural quiet." This rather significant caveat is not reported in the NPS Report to Congress.

Other substantial flaws in the NPS' research include:

- NPS researchers failed to identify the specific sites within the Park visited by the Park visitors they interviewed;
- NPS researchers failed to determine how much time the Park visitors they interviewed had spent at each site; and
- Too few interviews were conducted to produce statistically useful data.

Hinckley/Breglio Report at pp. 4-9. As a result, it is not possible to analyze sound impacts at any given location based on NPS data, nor is it possible to estimate the degree to which unusual sensitivities or attitudes or other extraneous variables influence the NPS survey results.

Most damning, however, is the fact that NPS chose to sample almost solely visitors to areas of the Park to which air tour operations are confined pursuant to SFAR 50-2. *Hinckley/Breglio Report at pp. 4-6*. Commenting on this basic methodological flaw, Drs. Hinckley and Breglio state their professional opinion that, "the survey was designed to produce results that would reflect high levels of exposure to aircraft." *Hinckley/Breglio Report at p. 5*. In designing and conducting its research, NPS stacked the deck against aircraft overflight, exaggerating the impact of aircraft overflight sound on GCNP visitors' experiences of "natural quiet." These same flawed studies are at the heart of NPS's justification of the current harsh proposals for further air tour restrictions at GCNP.

NPS's basis for the current proposals have been attacked as biased and unscientific at every turn by reputable researchers. These indictments of the NPS are supported by the first person accounts of persons with personal knowledge of the NPS's actions in developing and conducting its studies of aircraft overflight at GCNP.

Jack J. Washington is former manager of the Las Vegas Flight Standards District Office, the FAA facility having jurisdiction over air tour operations at GCNP. Writing in the

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June 3, 1996, issue of the *Las Vegas Review-Journal*, Mr. Washington states, "I saw the National Park Service . . . deliberately skew noise test results by placing most of its noise monitoring devices under areas where aircraft were most congested because of the routes they were required to fly, rather than placing these monitors in areas where people on the ground were most likely to be noise impacted."

Mr. Washington also states that visitors to the Park told him, "that they had attended briefings conducted by National Park Service personnel which were extremely negative to air tour operations. At the conclusion of these briefings, visitors were given my title, name and address and they were encouraged to forward their complaints to me."

Robin T. Harrison, P.E., is an acoustics expert formerly with the U.S. Forest Service and author of the Forest Service report, "Potential Impacts of Aircraft Overflights of National Forest System Wildernesses," (July 1992). In a letter dated September 10, 1996, to Jack Ward Thomas, Chief, U.S. Forest Service, Mr. Harrison reminds Mr. Ward that, "[o]ur own report indicates that aircraft overflights of wilderness are not a problem." Mr. Harrison charges that, "[t]he religious fervor stirred up by the Park Service over the Grand Canyon is a classic example of a politically correct agency run amok, promulgating highly technical rules without technical justification."

Mr. Harrison continues, "[t]he statement that the overflight situation is out of control at Grand Canyon is a Park Service distortion, pure and simple . . . natural quiet (despite the Park Service's refusal to define natural quiet) has indeed been restored to the majority of the Park, at great expense to the air tour operators. To say that the Grand Canyon 'situation' is out of control is a terrible insult to the operators and pilots who have worked so hard to make this burdensome system work. And to claim that the situation is out of control at adjacent National Forest Wilderness Areas is a distortion so outrageous as to need no rebuttal."

2. The Proposed New Restrictions Are Destructive of the Air Tour Industry at GCNP.

Drs. Riddel and Schwer of the University of Nevada – Las Vegas Center for Business and Economic Research have provided a thorough critique of the wholly inadequate economic analysis that accompanies the current proposals. *Riddle, Mary, and R. Keith Schwer, "An Analysis of Proposed Flight Restrictions at the Grand Canyon National Park: Estimating Costs, Benefits, and Industry Impact of the Proposed Regulation," (August 18, 1999)*. The proposed restrictions will do far more damage to the Arizona and Nevada economies than FAA acknowledges. HA1 adopts the comments of Drs. Riddel and Schwer and incorporates these in full here by reference.

Because of the destructive potential of the proposed new restrictions, the Governor of Arizona, the President of the Arizona Senate, the Speaker of the Arizona House, and many

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others, have called upon the FAA and NPS not to implement the current proposals. HA1 adopts the comments of these politicians and statesmen, and others who share our deep concern for the welfare of the working men and women of Arizona and Nevada who will be irreparably harmed if these proposals are adopted.

Portions of GCNP in which many ground visitors are present should be treated differently than portions in which few – or no – ground visitors are present. HA1 agrees with NPS that, "methodology should be refined to take into account the characteristics of specific areas of GCNP. . . ." *"Change in Noise Evaluation Methodology for Air Tour Operations Over Grand Canyon National Park," 64 Fed. Reg. 3969, 3971 (Jan. 26, 1999).*

HA1 has consistently objected to implementation of air tour routes that place air tour operations repetitively over or very near areas in which large numbers of persons on the ground congregate. See, e.g., *"Comment to Docket No. 28537 in Response to Notice No. 96-11, 'Special Flight Rules in the Vicinity of Grand Canyon National Park,' Published at 61 Fed. Reg. 40120 (July 31, 1996); Discussion in Opposition to the NPRM and in Support of the Comment of Helicopter Association International."* Repetitive flight over or near such areas, among other consequences, subjects the largest number of people to whatever aircraft overflight sound might be generated by the operation. Instead, air tour routes should be designed to avoid the largest number of park ground visitors practicable, consistent with the right of air tour visitors to experience their national park from an aerial perspective and consistent with the need to maintain safe arrival and departure procedures to facilities on the ground where air tour visitors can safely and conveniently board air tour aircraft.

Human activity on the ground has characteristics that may influence acceptable overflight noise thresholds, and that the presence or absence of such activity should be taken into account. For example, automobile traffic and crowd noise in areas frequented by park ground visitors may "mask" aircraft overflight sound. It may be reasonable, therefore, to permit more such sound in these areas than in areas where automobile traffic and crowd noise are absent.

Similarly, the sounds of rushing water or insects also may mask aircraft overflight sound. It may be reasonable, therefore, to permit more such sound in remote areas near waterfalls, insect habitat, or other natural sources of masking noise than in other areas.

GCNP is composed of many locales, the characteristics of which interact with human characteristics, such as cultural beliefs, personal preferences, and learned expectations, in a rich and complex manner. Effective, fair and balanced regulation of air tour activities in this environment cannot be achieved by imposing arbitrary and illogical limitations such as those under discussion here. Effective, fair and balanced regulation requires studied and open-minded consideration of affected interests, with a commitment to achieving a result that

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equitably balances conflicting goals. This kind of result is best achieved through open, public, deliberative processes in which affected parties are given opportunities both to speak and to listen to one another. The process that has generated the radical proposals under discussion here has been the antithesis of this open, interactive, deliberative model. NPS has consulted in secret with radical activists who seek to end all air touring at GCNP, conducted closed meetings to which air tour representatives were not invited and at which the proposed new restrictions were designed, and justified the resulting extreme measures on the basis of biased data and non-reproducible analyses. These acts by NPS will hamper efforts to foster mutual cooperation and respect among mainstream environmentalists and aviators for years to come.

It may be possible to develop effective regulations concerning aircraft overflight of GCNP without reference to ambient sound levels by structuring aircraft routes to avoid, as much as practicable, overflight of places where ground visitors congregate. However, if restrictions are keyed to "ambient sound" levels in the Park, measurements of ambient sound must be accomplished in a manner that is unbiased, scientifically rigorous, and accurate. To date, efforts by NPS to measure ambient sound at GCNP have met none of these criteria.

The measurement methodology NPS has used to date at GCNP has yielded unrealistic and unreasonably low estimates of ambient sound at locations throughout the park. In brief, NPS designated several 'acoustically unique' categories of land, and ascribed to them associated ambient sound levels of 15.0 dB, 17.0 dB, 17.5 dB, 26 dB, 37.5 dB, and 50.0 dB. Areas below the Canyon rims were assigned to the minimum 15.0 dB ambient sound category, except for areas accessible to river raft visitors. Areas on and bordering the rims, including the areas accessible to the vast majority of Canyon visitors, were assigned the 26.0 dB ambient category.

Ambient sound measurements made by others on two separate occasions at 22 rim and hiking trail sites at GCNP show that the NPS's ambient sound level assignments are unrealistically low. See, e.g., "*Grand Canyon Comparative Sound Study*," Bennett/Cox Consultants, Thousand Oaks, California (Jan. 31, 1994). This is because NPS selected as "ambient" sound values the lowest values measured for each area, rather than representative ambient sound levels. For example, if NPS observed 15 dB of "natural sound" at a site shortly after dusk, but measured 35 to 45 dB of "natural sound" at that site throughout most of the day, NPS assigned 15 dB as that site's "ambient sound" level. This procedure is scientifically incorrect.

By measurement, sound at GCNP locations varies from the teens up to 65 dB, a range of approximately 45 dB. If truly representative ambient sound levels are assigned, the ambient category for areas below the rims is more realistically 30 dB instead of 15 dB, and for rim areas 36 to 39 dB, rather than 26 dB.

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Moreover, as a practical matter, it challenges logic to restrict air tour overflight – which occurs exclusively during daylight hours – by reference to extremely low sound levels that occur (in this example) only at night. However, this is the sort of gross error that NPS has consistently perpetuated in the 15 year course of air tour rulemaking at GCNP.

In areas of GCNP where NPS asserts the "ambient level" to be 20 dB, a proposed "noise threshold" of 8 dB below ambient would bar overflying aircraft if the overflight resulted in 12 dB on the ground. This is a sound level below the threshold of average human perception, much less human "noticeability." To put this number in context: a very well engineered soundproof booth has an internal "ambient level" no lower than 12 dB; the blood coursing through one's ears creates a sound level of about 4 dB.

Even if a more reasonable ambient level of 30 dB were asserted in GCNP, the proposed "noise threshold" appears to preclude the operation of all known powered aircraft in commercial air tour service at GCNP.

The current proposals appear to be part of a larger scheme designed to ban aircraft overflight from the two-thirds of GCNP least visited by people. This result, which defies both logic and science, would destroy the GCNP air tour industry.

3. The Proposed New Restrictions Undermine Efforts To Achieve Consensus on Management of Air Tour Overflights of National Parks.

HAI participated in last year's National Park Air Tour Overflight Working Group (NPOWG), the group of air tour operators, environmentalists, and Native Americans that worked so hard to forge a landmark consensus on management of air tour overflight of national parks.

The keystone of the NPOWG consensus on management of air tour overflight of national parks is the concept of the "shared park," the deceptively simple notion that a national park sufficiently large and spectacular to support professional air touring is probably sufficiently large and spectacular to support both properly managed, commercially viable air touring and properly managed sensitive ground-based visitor uses. At the time, it was HAI's position that persons of good will could find an appropriate balance, enabling both airborne and ground-based visitors opportunities to experience their national parks in full and rich ways.

It bears mentioning that the NPOWG consensus was intended to work at all national parks, but various interests insisted that GCNP and Rocky Mountain National Park should be treated separately. (Rocky Mountain National Park has never had commercial air tours.)

HAI Comment in Opposition to: "Commercial Air Tour Limitation in the Grand Canyon National Park Special Flight Rules Area," Docket No. FAA-99-5927, Notice No. 99-12, 64 Fed. Reg. 37303 (July 9, 1999);
"Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones; Proposed Rule," Docket No. FAA-99-5926, Notice No. 99-11, 64 Fed. Reg. 37295 (July 9, 1999);
"Notice of availability on routes in Grand Canyon National Park; comment request," 64 Fed. Reg. 37191 (July 9, 1999);
"Notice of Availability of the Draft Supplemental Environmental Assessment for the Proposed Actions Relating to the Grand Canyon National Park and Public Comment," 64 Fed. Reg. 37192 (July 9, 1999).

At the time, it seemed reasonable not to apply the NPOWG consensus management mechanism to GCNP. Under SFAR 50-2, GCNP had in place already a rule that balanced competing interests in an equitable manner.

Publication of the current proposals for harsh new restrictions undermines the air tour community's hope for reasoned discussion of divergent points of view among persons of good will. These unreasonable, radical proposals strike at the heart of the NPOWG's landmark consensus on air tour overflight management. The stakes are high – for both true environmentalists and truly professional air tour operators – if these unnecessary and destructive proposals are adopted.

4. FAA and NPS Should Withdraw the Above-Referenced Proposals for New, Harsh, Unnecessary Restrictions on Air Tours of Grand Canyon National Park.

Inexplicably, NPS, the agency charged with protection of the national parks for future generations, does not champion air touring, the most environmentally friendly way to visit GCNP. Instead, by pursuing the current proposals for draconian cutbacks, choking allocations and routes that are unwise, unworkable and may be unsafe, NPS seeks to cripple and ultimately to destroy the Grand Canyon air tour industry.

By doing so, NPS breaks faith with future generations, for air touring is the best way to protect and preserve the Grand Canyon for them.

NPS breaks faith with the 800,000 or more visitors each year who want to – and who have a right to – experience the Grand Canyon from the air.

NPS breaks faith with the people of Arizona and Nevada who make their livings in the tourism industry and whose jobs are at stake.

And NPS breaks faith with air tour operators, whose support for the NPOWG consensus is based on the idea that people of good will, although they may differ in perspective, will work in good faith to seek an appropriate balance to permit sensitive ground-based users to share the park with operators of commercially viable air tours.

A proper balance was struck in SFAR 50-2. Natural quiet was restored under SFAR 50-2. The current proposals are not necessary, not appropriate, and not acceptable.

HAI believes that the future of GCNP overflight rulemaking lies in a process of open, public conversation to seek ways in which the many legitimate, conflicting interests at stake can be balanced and accommodated to the fullest practicable extent. The current proposals are large

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Page 13

September 7, 1999

steps in the wrong direction, representing illogical, arbitrary, and unworkable impositions on an already strained process.

HA1 joins with distinguished scientists, academicians, politicians, working men and women from Arizona and Nevada, and air tour visitors from across the United States and around the world in urging the FAA to withdraw the current proposals.

Sincerely,



Roy Resavage
President

cc: Administrator Garvey