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September 3, 1999

U. S. Department of Transportation Dockets
Docket No. FAA-99-5927 - 56
Federal Aviation Administration
400 Seventh St. SW
Room Plaza 401
Washington, DC 20590

Dear Sirs and Madams;

Thank you for this opportunity to provide comment regarding the Proposed Rules for the Grand Canyon Special Flight Rules Area that you recently developed in cooperation with the National Park Service.

Documents Reviewed

These comments address the following documents:

1. Federal Aviation Administration. 1999. Supplemental Environmental Assessment: Special Flight Rules in the vicinity of Grand Canyon National Park
2. Federal Aviation Administration. 1999. Modification of the dimensional of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones.
Docket FAA-99-5926, Notice 99- 11, RIN 2120-AG74
3. Federal Aviation Administration. 1999. Commercial Routes for Grand Canyon National Park
4. Federal Aviation Administration. 1999. Commercial Air Tour Limitations in the Grand Canyon National Park Special Flight Rules Area.
Docket FAA-99-5927, Notice 99- 12, RIN 2120-AG73

Introduction

My name is Rob Elliott. I am the President of Arizona Raft Adventures (AzRA). I am commenting on behalf of myself, Arizona Raft Adventures, and the 1200 guests we serve each year on one and two week rafting trips on the Colorado River through the Grand Canyon.

The solitude and natural quiet of the Grand Canyon and the Colorado Plateau are the natural values which have most nourished my life and spirit since I started outfitting in the Grand Canyon in 1965. The Grand Canyon is where I go to find that special solace found in an environment of natural quiet. The Grand Canyon is where I and my guides take 1200 guests each

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year to introduce them to natural quiet. On all of our river trips, we take time out for silence . we float along for a couple of hours in the early morning, everyone agrees not to talk, or we take an early morning walk, not even whispering. Our guests tell us that these are the most cherished times of their entire experience in the Grand Canyon, and the Grand Canyon is one of the most cherished experiences of their entire lives.

Some people think these river experiences are limited to an elite few, the hardy, and air tour advocates assert that persons with disabilities will have to take air tours in order to experience the Grand Canyon. Such is not the case and these assertions are unfounded. One of the most rewarding professional experiences in my life is to have taken many persons with disabilities down the river including people with severe mobility and sensory impairments. Let's also remember that persons with disabilities can experience the Grand Canyon from the rim, an experiential opportunity which could be greatly enhanced by First Lady Hillary Rodham Clinton's Millennium Trails initiative inaugurated earlier this year at the Grand Canyon. Floating down the river, hiking along a trail, or using a wheel chair on a paved path along the rim do little to impinge on others experience of the Grand Canyon. At the other end of the scale, seeing the Grand Canyon by air frequently impacts other user's experience of the Grand Canyon harshly, negatively.

The National Park Service standard for substantial restoration of natural quiet is woefully inadequate.

As many others have asserted, 50% of Grand Canyon National Park naturally quiet 75 to 100% of the day is an inadequate standard. This means that the relatively quiet half of the park can experience aircraft noise one minute in every four, and the remainder of the park could experience aircraft noise virtually all day long, non stop. If substantial restoration of natural quiet is *averaged* over longer time periods, say a month or a year, then the standard is further flawed, especially for the visitor who comes to the Canyon hitting only the noisier days. This standard simply fails even to approximate the substantial restoration of natural quiet as mandated by the National Parks Overflights Act of 1987.

The Plan fails to achieve the Park Service standard for the substantial restoration of natural quiet.

According to the FAA's model, on a peak summer day in August, only 19% of the park would experience the Park Service standard of substantial restoration of natural quiet 75% or more of the time. The FAA claims that they will achieve natural quiet 42% of the time, but that is averaged over an unacceptably long period of time. Congress intended that a visitor to the Grand Canyon should be able to experience a substantial restoration of natural quiet regardless of which day(s) the visitor decides to visit the park. Each visitor should have the opportunity to experience natural quiet regardless of the day, the month, or the season he or she elects to visit.

I am incredulous as to why the FAA would even submit a Plan for public review which so clearly falls short of the Park Service standard and the mandate of the National Parks Overflights Act of 1987. This should be embarrassing to both the FAA and the Park Service. It is arrogant,

illegal. Were the proposed rule a graduate thesis, the professor heading the academic review committee wouldn't even grade it. The professor would send it back to the grad student having scribbled across the top of the title page, "Reread the assignment. Redo. Resubmit." What is the FAA thinking? This effort involves a lot of tax payer money and time on behalf of the agencies and all the stakeholders involved and doesn't even presume to meet the mandated standard.

The L90 rather than the L50 methodology should be used to determine natural ambient levels of sound.

Appropriately, the National Park Service in its own report to Congress in 1994 said, "The quiet to be preserved is . . . the quiet at the lower end of the ambient sound level range that occurs regularly between wind gusts, animal sounds, etc., not just the average sound level." The L90 calculation would more adequately preserve the quiet interludes so special to the Grand Canyon, a quiet so peaceful that it shocks you, a quiet so still that it jumps out at you like a brilliant starlit night. Natural sounds, such as a bird call or a trickle of current in a stream serve only to make the quiet interludes all the more penetrating.

It would appear that the National Park Service has given away an important standard by allowing the FAA to select the L50 rather than the L90 methodology to determine natural ambient levels. Given an option, what else would the FAA be expected to select? The Park Service should not cave on this point. *The National Park Service has cut essential responsibility to hold the restoration of natural quiet to a higher standard.* Using the L50 methodology sacrifices these special, quiet periods and establishes an unacceptable precedent for the selection of noise study methodologies in other units of the National Park System.

I support the capping of air tours.

This should have been done a long time ago, not 12 years after the passage of the National Parks Overflights Act. This is a good precedent and I know how contrary it is to the nature and mission of the FAA. Now that it's done, it can be done elsewhere. I would prefer that it be less tentative and not just for a two year period. I am concerned, however, by allocations shifting into low noise time periods and lesser used flight routes. I favor the caps becoming far more specific such that low use periods and areas of the Canyon don't "fill in," given the inadequacy of the restoration standard as I detailed earlier in my comments.

Moreover, allocation caps should not be transferrable. I applaud the notion that allocations that fall into disuse be retired. The retirement of some allocations over time may prove to be the most viable method for reducing air tours toward levels of 1987. It is important not to squander the opportunity that the FAA has to maintain control over allocations of "time in airspace," not allow transfers of allocations between operators, and retire underutilized allocations.

Incentives for quieter aircraft must be reframed to attenuate cuts, not add use.

I strongly oppose a "proposed future route for noise efficient aircraft." The incentive is couched in the positive and suggests that more use will be allowed for quieter aircraft. The frank

incentive for quieter aircraft should be reframed such that the “carrot” is to avoid cuts in current use allowances. The incentives should not further compromise existing goals. Rather than allowing quieter aircraft more routes, quieter aircraft should be used to meet the existing substantial restoration goal.

Flight Corridors

There appears to be modest improvement on some of the reconfiguration of air tour routes, especially as pertains to the Colorado River in Marble Canyon (flights further away from the immediate rim of the Marble Platform), the route which passes between the Bright Angel and Zuni corridors, and the Havasupai to National Canyon area (which has moved south).

But there are perhaps an equal number of compromises elsewhere, especially as pertains to Point Sublime, Point Imperial, and the Saddle Mountain Wilderness Area. I join the chorus of other back country users who call for the elimination of the Dragon Corridor all together.

Conclusion

Your considerable efforts, although appreciated, have been misguided. The amount of time consumed to produce an inadequate rule is indefensible. You, together with the National Park Service, should withdraw the rule, retool your efforts (and personnel if need be) and embark on a *serious* undertaking to (1) set a substantial restoration standard the National Park Service would be proud to have serve as a precedent for the foreseeable future (and using the L90 methodology), and (2) produce a proposed rule that *meets or exceeds* t-hat standard.

Sincerely,



Rob Elliott
President