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June 6, 2001

Docket Management System
U.S. Department of Transportation
Room PL-401
400 Seventh Street SW
Washington, DC 20590

Re: *HAI Comment in Support of National Parks Air Tour Management
Notice of Proposed Rulemaking, Docket No. FAA-2001-8690, Notice No. 01-01, RIN
2120-AF46, 66 Fed. Reg. 21263 (April 27, 2001)*

Dear Madam Administrator:

Helicopter Association International (HAI) welcomes the notice of proposed rulemaking (NPRM) titled "National Parks Air Tour Management," Docket No. FAA-2001-8690, Notice No. 01-01, RIN 2120-AF46, published at 66 Fed. Reg. 21263 (April 27, 2001). Our review of the NPRM indicates that it faithfully sets forth the terms of Public Law 106-181, the National Parks Air Tour Management Act of 2000 (the "Act"). HAI supports the Act and FAA's effort, in this NPRM, to develop regulations to implement the Act.

HAI is the professional trade association for the civil helicopter industry. Our 1,500-plus member organizations and 1,400-plus individual members safely operate more than 5,000 helicopters approximately 2 million hours each year. HAI is dedicated to the promotion of the helicopter as a safe, effective method of commerce and to the advancement of the civil helicopter industry. We are proud to count among our members the majority of the professional helicopter air tour operators in the United States.

The Act is the fruit of Sen. John McCain's successful effort to cast into federal law the landmark consensus on air tour management achieved by the National Parks Overflight Working Group (NPOWG). HAI was represented on the NPOWG by David Chevalier, President of Blue Hawaiian Helicopters and Chair of HAI's Helicopter Tour Operators Committee. HAI fully supports the Act and the NPOWG consensus upon which the Act is based, which carefully balances the interests of air tour visitors, ground visitors and Native Americans in the diverse uses of U.S. national parks.

Under the consensus plan, the FAA will lead a public planning process at every national park over which a commercial air tour operator wants to operate. In this process, the National Park Service (NPS) will have responsibility to identify sites on the ground that are sensitive to air tour overflight, and the FAA will have lead responsibility for developing mechanisms, such as air tour routes or flight times, that strike an appropriate balance among the air tour visitors' interest in viewing their park from the air, Native American interests in sacred sites and ceremonies, and ground visitors' interest in quiet. Interested

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parties, including air tour operators and their representatives, environmentalists and tribal representatives, will participate in the planning process.

The resulting plan, called the Air Tour Management Plan (ATMP) for the park, will be enforced by the FAA. To make the ATMP enforceable, operators of commercial air tours over national parks will be required to hold Part 135 operating certificates. (Current Part 91 tour operators will be allowed to continue their flights over national parks for a reasonable time while they obtain Part 135 certificates.) The provisions of the ATMP will be incorporated into the Part 135 air tour operators' operations specifications (op specs), and the FAA will enforce these provisions by civil penalty action or certificate action under 14 CFR part 13.

At national parks that currently have air tours, the ATMP planning process will start as soon as FAA's proposed new rule becomes effective. Existing operators will be authorized to continue their operations while the park's ATMP is developed.

Many in the aviation industry see direct participation in the planning process as the best way to ensure a fair plan. For this reason, at national parks that do not have air tours when the new rule is adopted, the planning process will start only when an operator comes forward to provide air tours. In this way, no plan will be created without air tour operator participation, but air tours will not start until the ATMP is completed.

HAI recognizes that this arrangement does not make everyone happy. Some environmentalists resist the notion that ground visitors can co-exist peaceably with air tours. Some in the aviation industry resist the notion that air tours should avoid some areas some of the time, and a few areas all of the time. Still, this arrangement holds the promise of protecting both the environmentalists' reasonable interest in a quiet place to hike, and the air tour operators' interest in current and future opportunities to provide safe, commercially viable air tours.

HAI notes FAA's proposal to set the ATMP development process "triggering altitude" at 5000' AGL. We express no opinion concerning whether 5000' AGL is the right place to set the triggering altitude, except to note that all professional helicopter air tours, and probably all other helicopter activities over national parks, will be conducted below this altitude; setting the triggering altitude at 5000' AGL will render it useless for distinguishing helicopter air tours from other helicopter operations.

This NPRM brings the affected communities one step closer to developing win-win solutions to what have been vexing conflicts. HAI looks forward to working with FAA, NPS, Native Americans and other interested parties to make the ATMP process successful for all concerned.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Resavage". The signature is fluid and cursive, with a large, sweeping initial "R".

Roy Resavage
President