

Director Anthony Fazio  
Office of Rulemaking  
Docket Management System  
U.S. Department of Transportation  
Room PL401  
400 Seventh Street, SW.  
Washington, DC.

Dear Mr. Fazio:

I am writing regarding Docket Number FAA-2001-8690.

I wish to provide comments on the implementation of the FAA rule meeting the intent of the National Parks Air Tour Management Act of April 2000.

I was very pleased when this Act was passed by Congress because I firmly believe that the tourist overflight business is out of control at certain of our National Parks. I believe that there must be adequate constraints placed on this type of use of our National Parks System. We must ensure that the overflights do not degrade the experiences of the visitors on the ground.

I personally visit units of our National Park system frequently. Most recently, I visited Zion and Grand Canyon National Parks in March. The Grand Canyon is one of the most impacted units by overflights. I come to the parks to experience the wonder of the landscape, the wilderness, and the wildness. I want to be free from the intrusions of society. I believe that these few areas should be off-limits to overflights, and at a minimum must have adequate regulations to control overflights.

I ask that the FAA consider the following points in the rulemaking development.

1. It should be made clear that the FAA must recognize the expertise of the National Park Service with regard to any issues dealing with on-ground noise levels, and its comments and proposals with regard to the on-ground experiences of park visitors. Also, the effects on wildlife must be considered, and the NPS must be the primary source of guidelines with regard to wildlife resources, etc.
2. I support for the 5000' Above Ground Level altitude recommended by FAA as the triggering altitude for the air tour management planning process. I understand this level was recommended by the members of National Parks Overflight Working Group with nearly unanimous consent. The 5000' AGL will capture most operators that give commercial air tours of parks. It is clear that the 5000' level in no way interferes with general aviation traffic because it only affects operators that meet the commercial definitions.
3. I believe the FAA must immediately enforce the "no new entrants" clause of the Act to prevent new air tour operators from flying over parks before the air tour management planning process starts. There are already too many operators, magnifying the problems of overflights on the on-ground resources of the parks. This limitation of the Act is important. It should be retroactively enforced to avoid any delaying tactics to circumvent its intent.
4. The FAA should block any existing air tour operators from flying over parks if they ignored the FAA Advisory requesting air tour operators over national parks to notify the FAA of their over-park operations within 90 days of the passage of the National Parks Air Tour Management Act in April 2000. Again, we

must not allow delays or illegal activity become legitimized by not enforcing these regulations.

5. The FAA must clearly define for the public and for air tour operators the process through which air tour management plans will be developed. I believe it is very important that the general public be fully involved because these regulations impact the National Parks which belong to all citizens.

Please accept these comments and ensure that these points are incorporated into the final rules. The Rules must fully protect the resources of our National Parks, and must safe-guard the on-ground experiences of the majority of park visitors.

Thank-you,  
Bryan Wyberg  
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