

COMMENT of Noise/Aviation subcommittee of the SIERRA CLUB's national Committee on Recreation Issues. (Sierra Club home address = 85 Second Street, San Francisco, CA).

Re: FAA-2001-8690, Notice 01-01 from April 27, 2001 FR on "National Parks Air Tour Management"

Dear FAA:

The Sierra Club's designated national subcommittee (from the national perspective) on the issue under review in this instance is the Noise/Aviation subcommittee of its national Recreation Issues Committee. (We understand the Grand Canyon Chapter of the Club will also submit comments, of which we are in support, as that Chapter has also been quite entangled with similar matters over the years re the Grand Canyon National Park.)

The natural quiet is a key resource and value for our National Park System, particularly in the vast, wild expanses of the western Park units, where the quiet is especially marked. Preservation and restoration of this quiet is a key focus of this subcommittee of the Sierra Club.

We have stated to the FAA and to the Park Service that a unique, essential opportunity afforded by the Parks is the individual visitor experience of natural, wild landscapes as a visual element *in ensemble with* the auditory experience of the natural quiet, as defined by the Park Service.

These Parks were set aside for the *inspiration* evoked by their original, unique settings which includes their original natural quiet. This enables *contemplative recreation* to be fostered as one of the most compelling goals of Park protection and management.

The concept of *contemplative recreation* is well elaborated in the 1980 book by environmental law professor, Joseph Sax, "Mountains Without Handrails: Reflections on the National Parks" (Univ. of Michigan Press). The book should be read (or re-read) in-depth by all involved from FAA and the NPS as we begin this process of Air Tour Management Plan development.

Further, two great writers have drawn the connections between inspiration and beauty, between inner feeling and solitude and tranquillity:

"Solitude gives birth to the original in us,
to beauty unfamiliar and perilous, to poetry."

--- Thomas Mann

"Poetry is the spontaneous overflow of powerful
feelings: it takes its origin
From emotion recollected in tranquillity."

--- William Wordsworth

SPECIFIC POINTS

1. Therefore, we support the altitude determination of 5,000' AGL as recommended by the FAA for defining which flights

fall under the air tour management process. FAA should quickly finalize this, so that we may rapidly proceed to the protections intended by this Notice.

2. We strongly feel that the National Park Service is the agency of "special expertise" on natural quiet impacts and protection, in terms of this particular new law, and in terms of NEPA, insofar as their own lands are concerned.

Therefore it is essential that the FAA defer to the Park Service' authority under law to determine the impacts of noise on Park values, resources, and visitors.

We are aware that the FAA has not always agreed with or honored that expertise, witness recent comments in the press by Lynn Pickard of the FAA in relation to Homestead Air Force Base's proposed conversion to a jet port, re the FAA/NPS differences as to appropriate standards and impacts for Parks.

In any event, we are now implementing a new law specific to the question, whose intent is that FAA defer to the NPS on environmental impact assesment, without reservation.

3. No new air tour operators should be allowed to start flying over Parks before the air tour management process begins. That, again, has been clear since the law's enactment on April 5, 2001. Yet we have such attempts at Grand Teton NP, and there may be others who would try.
4. Some of the existing air tour operators (at Bryce? Zion? Canyonlands?) appear to have, or may have, ignored the FAA Advisory of May 26, 2000 in the FR, requesting air tour operators to notify the FAA within 90 days of original enactment of their overflights over parks.

Failure to notify FAA is legally inexcusable, and any operator who ignored this requirement should be barred immediately from overflights of our national parks.

5. Some detailed Notice from the FAA should be issued as soon as possible, or no later than with the ROD on this Notice, which better details for the air tour operators, for the public also, the protocol under which these ATMP's are to be developed.

Ambiguities, loopholes, and uncertainties still exist in the matter even for practiced readers of federal regulations.

FAA needs to be sure the process, timelines, authorities, and NEPA matters are clearly set out.

Thank you for the opportunity to present these questions, comments, and concerns.

Sincerely,

Dick Hingson, chair

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