

## GCOverflights

I've been hiking in Grand Canyon since I was 12, I've accumulated more than 300 days of lifetime hiking below the rim, and I've been directly involved in the Grand Canyon Overflights issue over the last 5 years. Of course, as a regular hiker over a span of years I have extensive direct personal knowledge of the scope and issues related to air-tours. I am not opposed to air-tours. Tour flights are one of many ways to view and appreciate Grand Canyon. Air-tours provide a uniquely impressive view of this enormous landscape for a large number of visitors without leaving any physical mark.

But air-tours do have an impact and like any issue in our National Parks, management policy is vital to resource preservation.

Senate amendment #3528 would arbitrarily freeze Park management policy into law, obstructing local agency and citizen policy development now and for the future evermore. This is simply wrong.

The principal complaint from amendment sponsors is the long period that policy has been pending. Yet the major part of this period has been a series of failed lawsuits initiated by air-tour operators, and the process is now about to deliver sound recommendations based on the work of relevant Federal agencies and citizen advocacy, including commercial, conservation, and Native-American interests. Another important issue that has delayed implementation is agency politics: NPS has authority to define this issue under the 1987 Overflights Act, but the mandate for a quiet Park environment conflicts with FAA priorities for maximum airspace utilization.

I joined the Grand Canyon Working Group (GCWG) of the National Parks Overflights Advisory Group National Aviation Rulemaking Committee over a 3-year period representing the hiker community. Most participants were there professionally, on salary and paid-travel representing their business interest, industry, conservation, public agency, or tribal group. I attended these meetings on my vacation time, which included days that I may otherwise have spent in my favorite activity – hiking Grand Canyon.

Like any public policy process, not everyone gets what they want. But when Congress legislates policy for specific Park issues the interests represented are invariably commercially-oriented – as they are in this case.

Air-tour operators claim to be struggling for financial survival and needing regulatory relief, but the business difficulties they face are mainly unrelated to overflights policy. Increased equipment, fuel, and operating costs are a big factor. Other significant impacts are tourism cycle-changes such as post Sept-11 air-travel and the current recession, and reduced Asian tourism related to H1N1 fears.

Air-tour interests often claim that changes may be less safe, but recent fatal incidents are actually related to aggressive flying in the least regulated areas driven by relentless promotion of noisy helicopter tours as an exciting adventure rather than merely a great

sightseeing opportunity – in some sense it is both. Air-tours based in Las Vegas now largely dominate and tourism promotion for Grand Canyon West has created a degree of flight complexity and congestion never before seen in Grand Canyon skies. There can be no doubt that good overflights policy for resource management will increase safety through reduced congestion and simpler routing – but only if policy is allowed to be implemented from the existing process.

Why is this amendment bad policy? Provisions of this amendment mandate specific management criteria, set hours of operation, establish regulatory exemptions and fees, specify air-tour routes, and even freeze the software version for noise assessment. These policy elements really require continuous research and revision with adaptive management for the best, most effective results.

Previous legislation had granted greater protection for Grand Canyon than other parks. The amendment grants FAA effective full control of air-tour regulation which is actually worse than the process adopted in 2000 for the National Park system overall.

Historically, FAA and tour operators have colluded to create loopholes in the Special Flight Rules Area (SFRA) that relate to curfews, administrative exemptions, and flight elevation. The amendment eradicates the NPS role for resource management and conservation.

The amendment creates an illusion of potential improvement with quiet-technology aircraft. But this is an illusion for at least two reasons evident from GCWG discussion. One is cost: Quiet technology aircraft are expensive, and sources for helicopters are foreign suppliers, and air-tour operators already have acquired more aircraft than they can currently fly year-round. The second problem is policy mismatch that defines quiet technology by passenger count rather than noise level – the objective of the FAA definition is to move the maximum number of people through airports with the least surrounding impact. In other words the object of the existing standard is optimal airspace utilization, not natural quiet. This amendment would block any other more appropriate aircraft qualification rule.

Despite the stated purpose of the amendment to set standards for “the substantial restoration of the natural quiet and experience” the actual provisions of this bill express regulatory exclusions and restrictions with the mandate that agencies should be responsible for assessing natural quiet without being allowed to do anything about it.

Overall, this issue is sometimes represented as a conflict between elite outdoors enthusiasts and everyday Park visitors. This is not true. Aircraft noise impacts tourists above the rim as well as hikers and boaters. People do often come to Grand Canyon from urban settings where there is no longer any natural soundscape, and they may not be seeking or expecting quiet because it is unfamiliar to them. That does not mean they should not have an opportunity to experience it.

Finally, I must say that conservation groups are not blameless in complicating this process. Some groups do wish to see commercial operators banned from the Parks, but NPS agency staff have shown the capability to balance these issues effectively. Please allow this process to work and respect citizen involvement in Park policy. Reject Senate amendment #3528.