

NPOAG Meeting of Nov. 4-5, 2009:

**Public Observer Comments, from Dick Hingson, of SIERRA CLUB: National Parks and Monuments Committee, orally presented both days, and then submitted in writing, Nov. 7<sup>th</sup>, as requested from NPOAG members.**

## **I. Prioritization of Parks for ATMP's**

NPOAG's meeting agenda affords a revised prioritization of Parks for ATMP's, now nearly ten years after enactment of NPATMA. For guidance, we ought then review initial testimony, in the *May 20, 1986* Congressional hearing<sup>1</sup> when adverse aircraft noise over *national parks* became subject of H.R. 4330 (99<sup>th</sup> Congress.)

Which parks did the environmental organizations originally prioritize, specifically, for more regulation of *air tours*?

The Grand Canyon air tour situation was by then an obvious, longstanding crisis/priority<sup>2</sup>, of concern to various speakers. But there were additional national park units by 1986, with unacceptable noise and visitor experience impacts from air tours, specifically.

The House committee report contains (at pp. 160-161) focused park identifications of these from the Sierra Club's *Dr. Edgar Wayburn*.<sup>3</sup> He was followed on a separate panel by *Destry Jarvis* (at pp. 195-206) -- speaking as vice-president for conservation policy of the National Parks Conservation organization (NPCA).

These being two of the environmentalist organizations represented at this NPOAG meeting today, it is worth recalling now the views of Dr. Wayburn and Mr. Jarvis, from 1986. These two speakers independently volunteered (speaking on separate witness panels), the names of prioritized parks in need of special respite or relief from air tours, as far back as then. The short lists on which *both* sets of remarks focused were

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<sup>1</sup> Hearing of May 20, 1986, before the Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs, House of Representatives (99<sup>th</sup> Congress, 2<sup>nd</sup> session), titled "Construction of Dams and Aircraft Overflights in National Park Units", re H.R. 4330 (Overflights) and H.R. 4089 (on Dams), U.S. Government Printing Office, Washington, 1987, Serial No. 99-59

<sup>2</sup> The notorious twin tour-helicopter crash at Grand Canyon, with twenty-five aboard, occurred only four weeks after the hearing, on June 18, 1986.

<sup>3</sup> Dr. Wayburn is Honorary President of the Sierra Club, winner of the 1999 Presidential Medal of Freedom award, for his conservation achievements, and is still living at the age of 103.

- **Bryce Canyon**
- **Zion**
- **Glacier**
- Hawaiian parks: **Haleakala** and **Hawaii Volcanoes**
- Mt. Rushmore (from Mr. Jarvis only)

Not so prioritized was Mt. Rainier, or the New York City NPS units discussed by the NPOAG earlier today (Statue of Liberty<sup>4</sup>, or Governor’s Island.)

Quoting Dr. Wayburn (at 161):

*“Members of the club have also experienced rising noise impact in many other<sup>5</sup> units of the National Parks System, specifically Glacier, Bryce Canyon, Zion, and Haleakala. It appears that the problem has grown beyond the ability of the Park Service to control and then FAA for its part has done nothing to help.”*

The urgency of retaining or recapturing the prioritization of such originally specified parks lies in the following considerations:

- These expert environmental representatives first identified them to Congress, and so in a real sense they became “first in line.” Their problems, or basis for prioritization, have only increased since then.
- The high-altitude parks, like Bryce and Glacier, furthermore, have a highly seasonal aircraft vs. ground visitor impact at popular times of year (summer), with the conflict between such visitor use groups.
- Thus, a key indicator for purposes of Park ATMP prioritization would also be number of flight allocations likely impacting per day, per acre, at peak day(s), or at peak hour (s). The Sierra Club does not find it satisfactory to simply average out the allocated flights or noise at the more seasonal use parks over the 365-day year, when developing prioritization.

In summary, Bryce Canyon, Zion, and Glacier particularly deserve to be re-inserted into any current or new ATMP prioritization, remaining long publicized/known legacy parks of relatively small acreage confronted with large numbers of seasonal aircraft. The public has expected since 1986 (!) that they would receive immediate attention, and indeed their substantial wilderness consideration only adds to this.

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<sup>4</sup> The Statue of Liberty, along with the previously referenced NPS units, appeared on one of NPS’ 1994 priority park protection lists for Overflights, in its Report to Congress.

<sup>5</sup> Other than Grand Canyon.

## II. IOA's and the "Improve Protection" Legal Requirement

FAA Order 8900.1, Change 22, dated 05/01/08, (referred to at the meeting) contains a paragraph "B." within its Section 11-402 on Requirements and Limitations, reciting--with two key bullets--the foundational NPATMA legal language concerning IOA:

- Will promote protection of national park resources, visitor experiences, and tribal lands;
- Will allow for modifications based on experience if the modifications improve protection of national park resources and values of tribal land.

The Sierra Club believes that these Requirements and Limitations bullets legally apply to IOA, as well as to ATMP's. The two above-cited bullets should therefore be particularly applied, *now*, to Bryce, Glacier, the Hawaii parks, or other duly prioritized parks, where their ATMP has either not begun, or not reached a completed DEIS stage. Achievable, beneficial effects from said "IOA improvement" law-based bullets should no longer be denied or indefinitely postponed for priority parks.

### Note added after conclusion of Meeting

We strongly disagree with the FAA's apparent posture<sup>6</sup> (submitted informally since), that mere issuance of IOA, in itself, so sufficiently protects park units from adverse air tour impacts as to *not* trigger this interim improvement requirement, comprehensively. There is sufficient quantitative data as well as qualitative information at particular priority park units such as Bryce Canyon, as to proceed now with (further) *improvement of IOA*—long needed and warranted—while priority parks still wait for their ATMP's. This would be certainly a much better use of an unused million dollars for the law's purpose, than simply returning it to the Treasury, as was indicated imminent from the meeting.

Any guidance to the Aviation Safety Inspectors would include guidance for *promoting protection*—in consultation with the NPS—through IOA modifications at prioritized Parks, as proposed in both of the above bullets, and not limited to "quiet technology" adoption and use. Specifically utilized would be other known tools such as (1) increased respite periods/seasons from air tour noise; (2) re-distribution of air tour noise through route modifications and enlarged flight-free zones; (3) altitude restrictions; (4) allocation sub-caps for certain seasons or days of week experiencing high conflict with peak ground visitor use.

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<sup>6</sup> Personal e-mail communication of Nov. 6, 2009, from Dennis Pratte of FAA to Dick Hingson, in response to query about "air tour policy" as reflected in FAA Order 8900.1, Change 22.