

**Grand Canyon Overflight Noise  
Government and Stakeholder Public Meeting  
September 29, 2004 4:00 – 7:00 pm  
Elks Lodge, Flagstaff, Arizona**

**Summary of Questions and Comments**

**Facilitators:** Mike Eng (U.S. Institute for Environmental Conflict Resolution) and Lucy Moore (Lucy Moore Associates)

**Recorders:** Ed Moreno and Tahnee Robertson (Lucy Moore Associates)

**Background:** This meeting was convened by the Federal Aviation Agency (FAA) and the National Park Service (NPS) for the purpose of introducing the joint agency initiative to address and resolve overflight noise issues at Grand Canyon National Park (GCNP). Sixty-four participants signed in. Participants included representatives of Federal, State, and local government; Tribal government; aviation interests; environmental interests; and interested members of the public.

**Presentations:**

Presentations (summaries attached) were made by:

Joe Alston, Superintendent of Grand Canyon National Park

Paul Hoffman, U.S. Department of Interior, Deputy Assistant Secretary for Fish and Wildlife and Parks

Sharon Pinkerton, FAA, Assistant Administrator for Aviation Policy, Planning & Environment

Karen Trevino, Director, NPS Natural Sounds Program

Lynne Pickard, FAA Senior Advisor for Environmental Policy, Office of Environment and Energy

Tom Connor, FAA Manager Noise Division, interagency technical working group

Ken McMullen, Grand Canyon National Park, Overflights and Natural Soundscape Program Manager, interagency technical working group

Paul Joly, FAA, National Resource Specialist, Las Vegas Flight Standards District Office, interagency technical working group

Skip Ambrose, NPS, Biologist and Sound Specialist, Natural Sounds Program, interagency technical working group

Mike Eng, U.S. Institute for Environmental Conflict Resolution  
Lucy Moore, Lucy Moore Associates

## **Questions and Comments:**

***Mission and goals of this joint agency process:*** Several asked questions or made comments relating to the commitment of the two agencies to work together and how they would resolve any conflicts in individual agency missions. Some felt that the joint mission statement is “all things to all people” and that it should prioritize conservation and restoration of natural quiet over recreation interests. Agency spokespersons noted that there was no effort to prioritize mission items, and that it had been an important experience to learn about the mandates and values of the other agency.

Some wondered how the agencies could overcome past hurdles to resolving this issue. “What can we tell you as stakeholders that you haven’t already heard? What’s new about this effort?” asked one participant. An agency representative said that two of the biggest sticking points have been the science and disputes over data and models, and the fact that there are many stakeholders, some with conflicting interests. The agencies have been working collaboratively on the science for the past year and feel they are close to agreement. They also have agreed to include stakeholders in a process to find a solution, and hope there are representatives from these interests who are willing to give it a try.

A participant said he understood that the intent of Congress in the 1987 Overflights Act was to address noise from air tour flights, not high altitude flights. Another asked the agencies to remember that part of the Act was to protect the visitor experience at the Canyon.

There were questions about the origin of the Park’s definition of natural quiet as no audible aircraft in 50% of the park, 75-100% of the time. The Park developed this definition in accordance with the management authority and responsibility of NPS identified in the Overflights Act to substantially restore natural quiet. The court has upheld NPS’s jurisdiction over the definition of “substantial restoration of natural quiet”. Some tour operators felt that the substantial restoration goal was met when the standard was initially established, but that NPS then decided to move the bar and demand more. Consistency of goals and standards is critical for those in business in the Grand Canyon. A participant noted that many of the key issues are subjective – the meaning of natural quiet, the audibility or noticeability of noise, meaning of the “day,” etc.

***Cautious Optimism:*** Some spoke hopefully about this new joint effort. They were encouraged by the “new cast of characters” and their demonstrated commitment to finding a solution. They also appreciated the presence of Paul Hoffman and Sharon Pinkerton, and the involvement of neutral process consultants, USIECR and Lucy Moore Associates. They were impressed by the fact that agency staff seemed to be on good terms with each other. An air tour operator said “We’re leery, like everyone else, but we’re optimistic.”

***National Environmental Policy Act (NEPA):*** What would trigger NEPA in this situation and what would the implications be, asked a participant? The FAA action that would be subject to environmental review under NEPA would be a rulemaking action to change air routes. The NEPA process could parallel or be part of a negotiated rulemaking. Further, if a negotiated rulemaking process is to be used, (which has not yet been decided,) it would necessitate creating a Negotiated Rulemaking Committee according to the provisions of the Federal Advisory Committee Act, which would be the

vehicle for making recommendations to the agencies. (There is no FACA committee currently established to address overflight noise at the Canyon.) The outcome of such a process would comply with legal requirements.

***Tribal Government Issues:*** Members of the public as well as representatives from the Hualapai Nation were concerned about the role of the Nation with respect to the agencies and this proposed process. Agency representatives clarified that the tribal exemption in the Act is intended to help tribes enhance their economic development. Hualapai Nation representatives criticized the agencies for including in their technical presentation numbers regarding flights serving the Hualapai. They regarded the numbers as proprietary data and were offended that they were not asked before the numbers were made public. They also felt that this showed a lack of respect and understanding of tribal sovereignty on the part of the agencies. The agencies assured the Hualapai Nation representatives that the purpose of the flight numbers is part of the larger effort to gather data on all aircraft operations in order to calculate the noise of all aircraft overflights. A 2002 court decision charged the FAA with considering all of the aircraft noise over the Grand Canyon when determining the substantial restoration of natural quiet. The process underway now is an assessment, not a reduction plan. The agencies apologized for any offense, and promised to delete the Hualapai reference from the power point presentation.

The Hualapai spokespersons also asked for a letter of intent from the agencies to enter into a formal government-to-government consultation with the Nation. They would welcome the opportunity to discuss the issues relating to overflight noise, including compliance, traditional cultural properties, and the handling of data. This consultation would help the Nation determine its role in this process.

***Potential Collaborative Process:*** Participants had many comments and questions about the potential for a collaborative process where stakeholders and agencies could work out a solution together to the overflight noise issues. If the Stakeholder Assessment recommends that the agencies pursue such a process, and if the agencies proceed, there will be many questions about its design and scope.

Some hoped that the process would provide an opportunity to open up definitions and decisions already made, including perhaps adjustments to the 1987 Overflights legislation. Others felt strongly that court decisions and definitions should be non-negotiable. The agencies indicated they are committed to implementing the Overflights Act of 1987, consistent with court decisions. Beyond that they are hoping that everyone will think creatively about ways to restore natural quiet in the Grand Canyon without compromising safety or the national aviation system.

A participant asked if the geographic scope of the process extended beyond the SFAR boundaries. The agencies responded that it would not.

***Observations from the Field:*** A participant noted that on an 18-day river trip recently the air tour noise seemed less than before, but the helicopter noise in the lower canyon seemed much increased.

***Data:*** Although there was great interest in the technical presentation, many were disappointed that the benchmarks are still not available to determine how close the agencies are to achieving their goals. Agency representatives said that they have been

working collectively with public and private entities to create a foundation for the best reasonable science, and they hope to be close to giving that answer.

There were concerns as the science changes and more data is gathered that the model will need to be adjusted. “You have to model, but you have to be sure that the model reflects reality.”

**Stakeholder Assessment:** In answer to questions about the definition of a stakeholder and the purpose of the assessment, Lucy Moore described her role as contractor to USIECR. She and her team (Ed Moreno and Tahnee Robertson) have selected 35 people to interview from a list of over 100 compiled by the agencies over the past year. These are people who represent an interest that is affected in one way or another by overflight noise at Grand Canyon. The interests represented by the interviewees include air tour operators, environmental organizations, recreational interests, congressional offices, sovereign Indian nations, federal agencies, state agencies, and local government. The goal is to learn from all the different interests, through confidential interviews, whether or not there is support for a collaborative process, and if so, what the scope, the structure, and the composition of the process should be. Lucy explained that this is not an exclusive assessment process, but that numbers must be limited for reasons of time and money. The interviews will be completed by the end of October, and Lucy will present the results and recommendations from the assessment process to the agencies on November 12. The agencies will then decide whether or not it is feasible to proceed with a collaborative process, and if so, what design would be most productive. If a collaborative group is created, members will be chosen based on several criteria. Those who were interviewed will not necessarily be candidates for the group.

A participant asked that those designing the process remember that the tourists riding on air tours are a stakeholder group as well.

**Website:** The agencies expressed commitment to a transparent process, and plan to create a website where meeting summaries and announcements, Power Point presentations, maps and other data can be posted. A participant suggested that the FAA web-based Knowledge Sharing Network was a useful model.

***Next Steps for Public Communication:***

- Lucy will prepare a summary of the discussion at tonight’s meeting and email or fax it to all who signed in legibly.
- Copies of the Power Point presentations will be made available by the agencies, but will not be emailed because the large file size would likely overwhelm the capacity of most people’s email systems.
- The agencies will create a joint website for meeting summaries, presentations, maps and other relevant information.

Summary prepared by Lucy Moore. Please contact her with comments or corrections. 505-820-2166, or [lucymoore@nets.com](mailto:lucymoore@nets.com)