

PROTOCOLS

GRAND CANYON WORKING GROUP of the National Parks Overflights Advisory Group

These Protocols are intended to govern the activities of the Grand Canyon Working Group (GCWG) and to provide guidance to help members achieve the highest level of productive negotiations.

I. PURPOSE OF THE GRAND CANYON WORKING GROUP

The GCWG, a working group of the National Parks Overflights Advisory Group (NPOAG), will assist the National Park Service (NPS) and the Federal Aviation Administration (FAA) in fulfilling the requirements of the National Parks Overflights Act of 1987, the Presidential Memo of 1996, and other applicable laws by:

- Participating in the review of the overflights noise analysis
- Addressing issues related to overflights noise and safety
- Seeking meaningful, realistic and readily implementable solutions
- Developing recommendations by consensus, if possible
- Functioning as an aviation rulemaking committee for the development of recommended aviation regulations, if necessary

II. COMMITMENT OF THE FEDERAL AVIATION ADMINISTRATION AND THE NATIONAL PARK SERVICE

The FAA and the NPS are committed to working collaboratively as full members of the GCWG to achieve the purpose of the Working Group.

The two agencies will be represented on the GCWG by individuals at the policy decision-making level.

The two agencies will fund the process on a 50/50 shared basis and commit to funding at a sufficient level, subject to the federal appropriations process.

The two agencies will implement the recommendations of the GCWG reached by consensus through rulemaking or other appropriate mechanisms, consistent with the responsibilities of the agencies with respect to the Overflights Act of 1987. Failing consensus, the agencies will continue to work collaboratively and take into consideration the deliberations of the GCWG as they move forward with decisions and implementation.

At its first meeting, the two agencies will present to the GCWG with a proposed scope of work that will guide work of the GCWG and a timeline that anticipates an April 2008 implementation date.

III. STRUCTURE OF THE GRAND CANYON WORKING GROUP

The Grand Canyon Working Group is organized as a working group under the National Parks Overflights Advisory Group, which serves as an aviation rulemaking committee, as well as an advisory group.

Policy-level members from FAA and NPS will serve as co-chairs for the GCWG.

There are 20 members of the GCWG, including the co-chairs from FAA and NPS. The members represent a balance of Federal and Tribal governments, aviation, environmental, and recreational interests. Members are chosen by the FAA and NPS, with assistance from the facilitator, through a process that is open and equitable.

Each member shall designate an alternate, chosen by the organization, tribe, agency or company that selected the member, and approved by the co-chairs.

In addition, the Superintendent of the Grand Canyon National Park will serve on the Working Group. This position will also have an alternate.

The GCWG may create task groups to take on specific assignments. These task groups will report to the GCWG.

The GCWG will report its recommendations to NPOAG and to the FAA and NPS simultaneously. NPOAG may review but not revise the work products, including recommendations, of the GCWG. NPOAG may decide to add support for, or express reservations about, the work products and recommendations of the GCWG.

IV. OPERATING PROCEDURES FOR THE GRAND CANYON WORKING GROUP

The Working Group may revisit the Protocols as needed.

A third-party neutral, contracted through the U.S. Institute for Environmental Conflict Resolution (USIECR), will manage the process, providing consulting, planning, facilitation, and recording services. The facilitator will serve at the pleasure of the two agencies, as co-chairs for the GCWG. Any dissatisfaction with the facilitator or members of the facilitation team should be raised with the facilitator and/or with the co-chairs for early resolution.

Co-chairs will convene and adjourn the meetings, assist in the resolution of any conflicts, and provide leadership for the Working Group.

Facilitators and co-chairs will work closely together in developing agendas, summaries, and materials for each meeting.

Meeting summaries will be reviewed, corrected if necessary, and approved by the Working Group.

Facilitators will prepare and update a working document that reflects substantive agreements reached by the Working Group, and issues where consensus was not reached.

As much as practical, decisions of logistics, timelines and ground rules for the Working Group will be decided by the members themselves.

FAA and NPS support staff will be present and may be recognized by the co-chairs and facilitators to contribute information to Working Group discussions or respond to questions.

Members who wish to caucus during the meeting with other members, alternates, or non-members may do so by making the request to the facilitator.

Working Group decisions will be made by consensus to the extent possible. Consensus means an agreement supported by the Working Group as a whole, that does not necessarily represent any one member's ideal resolution, and that could be characterized as a decision that all members present can live with. If an emergency results in both a member and the member's alternate being unable to attend, that party may send a designee to represent their interests. The use of proxies or telephone conferencing will be a last resort. Every effort will be made to consider each situation on its merits and to accommodate the needs of individual members and of the Working Group as a whole.

If consensus is not reached, members will consider the options below to insure that every effort has been made:

- take the issue apart, and see if there is consensus on part of it
- ask the dissenting party or parties to create language which they think will be acceptable to the others
- ask the dissenting party to identify the specific needs that are not being addressed
- identify additional information needs
- ask the dissenting party or parties to meet with the co-chairs, and perhaps others as appropriate, to seek a solution
- ask parties to check with their constituents for guidance, clarification, or creative ideas

If there is still no consensus, the working group may ask members of the group to provide supporting and dissenting positions to facilitate agency decision making. Failure to reach consensus will mean that the issue reverts to the two agencies for decision.

V. PARTICIPATION OF THE PUBLIC AND THE MEDIA

Meetings of the Grand Canyon Working Group are open to the public and media. The working group may decide by consensus to close certain sessions to the public and media.

Observers will be allowed at least one opportunity to speak during each meeting, as provided in the agenda.

GCWG meetings may not be audio or video recorded by any means, unless specified times are agreed upon by the Working Group.

Comments made by Working Group members or alternates and agency staff are considered off the record. Members of the public or media may interview or discuss any issue with members, alternates or agency staff before or after formal sessions, or during breaks.

Members may not be restricted in the type of comments they make to the public or the media for publication, but are urged to refrain from criticizing the Working Group or the collaborative process that is under way, or from making statements that will undermine trust among members.

Facilitators, members, alternates and agency staff do not have authority to speak on behalf of the Working Group unless specifically delegated that responsibility by the members.

VI. RESPONSIBILITIES OF GRAND CANYON WORKING GROUP MEMBERS AND ALTERNATES

GCWG members and their alternates will participate in all activities of the Working Group in good faith. Good faith means participation that is open, honest and dedicated to a resolution that meets the needs and respects the interests of all members of the GCWG.

GCWG members and their alternates are committed to using this process to address and resolve issues of overflights noise. Individual members are urged not to turn to other forums, such as the courts, Congress the public or the media, for resolution of differences, without a full discussion of such action in advance in the Working Group. Members who are asked to appear before legislative or judicial bodies are asked to make this disclosure to the GCWG in advance of their appearance.

GCWG members and their alternates will strive for collaboratively developed consensus-based solutions. Effective collaboration involves appreciating the needs and ideas of others, being clear and honest in the expression of your

own needs and ideas, and generating ideas and options that consider the needs of others.

GCWG members and their alternates will treat others in the process with respect and patience. In any public or private discussions of the process, members will be respectful of each other and aware of implications of what is said for the relationships and trust among members.

GCWG members and their alternates will represent their constituencies effectively. They will report regularly to their constituencies and will bring to the Working Group the views of their constituencies, as appropriate. They will be able to speak and act with authority when decisions are required.

GCWG members will attend all meetings and devote necessary time between meetings. Understanding that there may be reasons for inability to attend, the alternate will take the place of the member, with full rights and responsibilities. Alternates are encouraged to attend all meetings. The member is responsible for keeping his/her alternate informed on the process.

Members and alternates will assist the facilitator in maintaining the schedule and enforcing the Working Group's operating procedures and responsibilities.

Members and alternates will strive to build productive relationships with all members that are based on the ability to trust each other and respect each member's point of view.