

STATEMENT OF JACK R. RYAN, DIRECTOR, AIR TRAFFIC OPERATIONS SERVICE, FEDERAL AVIATION ADMINISTRATION, BEFORE THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION, CONCERNING A PROPOSED STUDY TO DETERMINE THE APPROPRIATE MINIMUM ALTITUDE FOR FLIGHT OVER NATIONAL PARK AND WILDERNESS LANDS, MAY 20, 1986.

Mr. Chairman and Members of the Subcommittee:

I welcome the opportunity to appear before the Subcommittee today to discuss the Federal Aviation Administration's views on H.R. 4430. The bill would require the Secretary of Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units. The bill would also require the FAA to provide technical assistance to the Department of Interior in carrying out the study.

The FAA, pursuant to the Federal Aviation Act, as amended, has plenary authority for ensuring the safe and efficient utilization of the National Airspace System for all users. While assuring the safety and efficiency of our Nation's airspace is our primary responsibility, the FAA is also sensitive to environmental issues, particularly with regard to National Park Service (NPS) and Fish and Wildlife (FWS) administered lands. We also recognize their desire to reduce aircraft noise in these areas.

In an effort to address environmental concerns in these park areas, we have worked closely with Department of Interior

agencies. These discussions have led to the implementation of several measures to achieve improvements in this area. The measures we have used include: 1. improved charting of NPS, FWS, and BLM lands on aeronautical charts; 2. revision to the Airmen's Information Manual; 3. issuance of Advisory Circular 91-36C, dealing with noise sensitive areas; 4. dissemination of information by local FAA offices on the subject of noise restrictions; and 5. close consultation with Department of Interior agencies on these environmental issues.

We currently have in effect interagency agreements between DOT/FAA and NPS, FWS and the Bureau of Land Management (BLM). These agreements were reached in recognition of the environmental and noise concerns generated by aircraft flying over national park lands and wildlife preserves. The terms of these agreements, signed in 1984 and as recently as January 1986, by the Secretaries of Transportation and Interior, are for a term of 5 years. They establish 2,000 feet (AGL) as the requested minimum altitude for aircraft flying in airspace over lands administered by NPS, FWS, and BLM. The agreements recognize the public freedom of transit in navigable airspace, and reflect a desire to act in cooperation to reduce the incidence of low flying aircraft, including fixed-wing aircraft, helicopters, ultralight vehicles, balloons, and gliders over NPS, FWS, and BLM administered lands by seeking voluntary cooperation with the established 2,000 feet minimum requested altitude.

To facilitate voluntary cooperation, the FAA on October 19, 1984, issued an Advisory Circular (AC) 91-36C, "Visual Flight Rules (VFR) Flight Near Sensitive Areas," to encourage pilots making VFR flights near noise-sensitive areas to fly at altitudes higher than the minimum permitted by regulation and on flight paths which will reduce aircraft noise. AC 91-36C makes clear that adherence to voluntary practices would forestall possible regulatory action.

Several points should be noted concerning AC 91-36C. First, while the Advisory Circular encourages compliance with the 2,000 feet minimum over public lands and wildlife preserves, flight at a lower level may be consistent with the provisions of FAR 91.79.

Second, its provisions do not apply where it would conflict with air traffic control clearances or instructions or where an altitude of less than 2,000 feet is necessary to exercise flight safety. Third, for purposes of the Advisory Circular, the surface of a National Park Area is defined as the highest terrain within 2,000 feet laterally of the route of flight, or the upper-most rim of a canyon or valley. The 2,000 feet minimum is intended to reduce potential interference with wildlife, and complaints of noise disturbances from low flying aircraft in canyons and valleys.

In addition to the interagency agreements and the Advisory Circular, the FAA continues to work cooperatively with Department of Interior agencies. On April 2-3, representatives from our Western-Pacific Regional Office attended a meeting in the Grand

Canyon National Park (GCNP) to discuss a GCNP aircraft management plan. Other participants included Department of Interior officials, representatives from the military, environmental groups, air tour and fixed based operators, and the Aircraft Owners and Pilots Association. Participants were advised that several noise mitigation measures could be supported by the FAA. The FAA would:

- o Assist with charting measures to support noise abatement in the GCNP.
- o Assist in the development of a national pilot education program.
- o Support and participate in quarterly advisory group meetings to discuss noise mitigation issues.
- o Investigate the feasibility of installing a UHF frequency for use by military aircraft operating in the vicinity of the Grand Canyon.

I would also note that recently members of my staff participated in a Department of Interior environmental compliance workshop to discuss special use airspace requirements, regulatory procedures, pilot education initiatives, and what reasonable measures can be taken to reduce the incidences of low flying aircraft.

The FAA will continue its close working relationship with the Department of Interior on the noise issue. In terms of the proposed study called for in H.R. 4430, we defer to the Department of Interior for its views on the bill.

That completes my prepared statement, Mr. Chairman. I would be pleased to respond to questions you or other Members of the Subcommittee may have at this time.